



HERE LIVES  
BODY OF MR MARY  
MORTON WIFE TO M  
TIMOTHY MORTON WHO  
DIED MACH 22  
1735 IN  
47 YEAR  
OF HER AGE

ELIZA DEU  
TIMOTHY MORTON  
MARY MORTON  
HIS WIFE DEC  
MAY 31  
1735 AGED  
1 YEAR 4 M  
14 DAYS

HERE LIVES  
BODY OF JOHN  
MORTON HE DIED  
MARCH 26  
1735 IN  
24 YEAR  
OF HIS AGE



# DECLARATION of PRINCIPLES

## RELIGIOUS LIBERTY ASSOCIATION

**WE BELIEVE** in God, in the Bible as the word of God, and in the separation of church and state as taught by Jesus Christ.

**WE BELIEVE** that the Ten Commandments are the law of God, and that they comprehend man's whole duty to God and man.

**WE BELIEVE** that the religion of Jesus Christ is founded in the law of love of God, and needs no human power to support or enforce it. Love cannot be forced.

**WE BELIEVE** in civil government as divinely ordained to protect men in the enjoyment of their natural rights and to rule in civil things, and that in this realm it is entitled to the respectful obedience of all.

**WE BELIEVE** it is the right and should be the privilege of every individual to worship or not to worship, according to the dictates of his own conscience, provided that in the exercise of this right he respects the equal rights of others.

**WE BELIEVE** that all religious legislation tends to unite church and state, is subversive of human rights, persecuting in character, and opposed to the best interests of both church and state.

**WE BELIEVE**, therefore, that it is not within the province of civil government to legislate on religious questions.

**WE BELIEVE** it to be our duty to use every lawful and honorable means to prevent religious legislation, and oppose all movements tending to unite church and state, that all may enjoy the inestimable blessings of civil and religious liberty.

**WE BELIEVE** in the inalienable and constitutional right of free speech, free press, peaceable assembly, and petition.

**WE BELIEVE** in the golden rule, which says, "Whatsoever ye would that men should do to you, do ye even so to them."

*Religious Liberty Association, 6840 Eastern Avenue,  
Takoma Park, Washington 12, D.C.*



# In This Issue

Vol. 42—No. 4  
Fourth Quarter  
1947

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## COVER

Burial Hill in Plymouth, Massachusetts .... Color Photo by T. K. Martin

## ARTICLES

Freedom to Be Religious .....	5
Toleration Is Dangerous .....	8
A Story of Peter Zenger .....	11
The First Civil Sunday Laws—Part III .....	14
Further Developments at North College Hill .....	18

## EDITORIALS

Separation of Church and State in the Constitution—Freedom of Press Endangered Under Guise of Tolerance—Church Pronouncements on Political Questions—Federal Council of Churches Misses an Oppor- tunity—Responsibility Accompanies Power—The Distinction Between Church Education and State Education—Church Schools Cannot Be “Public Schools”—Wisconsin Legislator Attempts to Legalize Trans- portation of Parochial School Pupils—Adventists Oppose Free Trans- portation of Parochial School Pupils—Released Time in San Diego— Religious Garb in Public Schools Again—War Surpluses to Paro- chial Schools in Pennsylvania—Basic Freedom—War Surplus Prop- erty for the Church? .....	20
My Day—High Court Ruling Seems to Change Freedom of Worship.....	27

## NEWS and COMMENT

A Principle Well Expressed—Kennett Square, Penn., Case to U.S. Su- preme Court?—Name of God in a School Pledge—Ocean City, N.J., Arrests Merchants for Sunday Law Violations—Shreveport, La., Repeals Local Sunday Law—School Bus Issue in New Jersey Consti- tutional Convention—Universalists Reaffirm Belief in Separation of Church and State—New York Village Asks Enforcement of Sunday Laws—School Bus Issue in Maine—Images in Public Buildings in Brazil—Catholic School on a Military Reservation—“Religion Taught Troops”—U.S. Supreme Court to Hear McCollum Case—Released Time in Hawaii—Rules Against Free Transportation for Parochial Students in Minnesota—The Name of God in the Constitution—“A Free Church Beside a Free State in a Free Society”—Hawaii Seeks to Enforce Sunday Laws—St. Louis “Post-Dispatch” on Religion in Public Schools—New India and Religious Liberty .....	28
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## Our Cover Picture

We have gone to New England for our cover this quarter, showing just a glimpse of Burial Hill in Plymouth, Massachusetts. Here about two thousand of the early settlers of America lie buried. The grave of Governor Bradford is on this hill, as well as the burial place of Adoniram Judson, the celebrated missionary to Burma. The oldest stone on Burial Hill is that of Edward Gray, which bears the date of 1681.

The intrepid men and women who came to the New World in the seventeenth century sought freedom. They desired a home where they could worship God unmolested by conniving rulers, whether state or ecclesiastical. The germ of liberty, though small and imperfect at first, has grown and developed. The principles of true freedom, both civil and religious, are today recognized and guaranteed in our fundamental law.

We today are being reminded of the fact that freedom is not free. It requires eternal vigilance to preserve it.

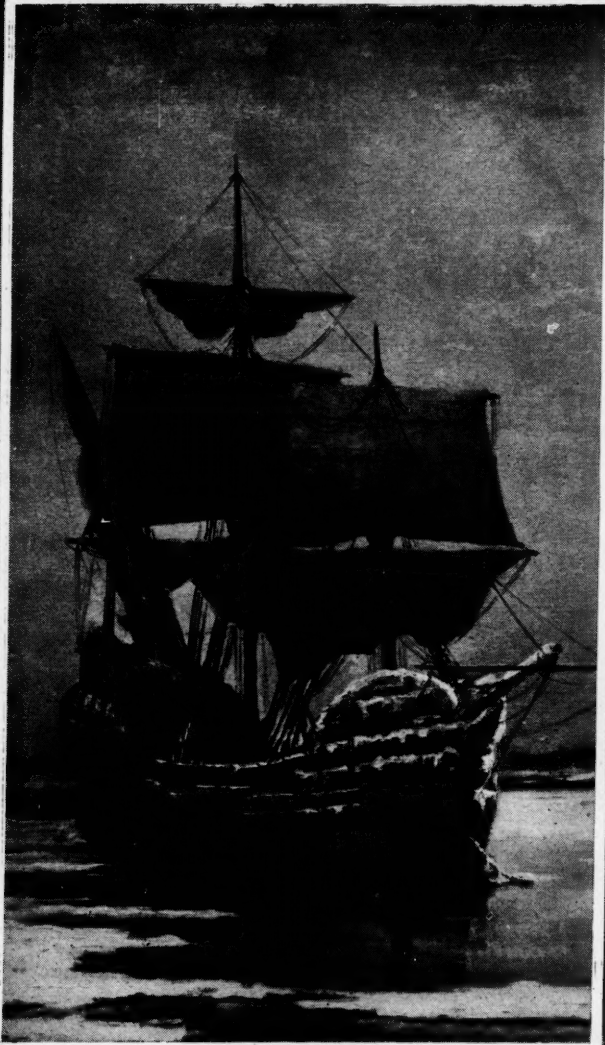


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The “Mayflower” by Halsall

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EWING GALLOWAY

A Typical New England Village in the Setting of the Wooded Hills of Old Vermont

## Freedom to Be Religious

**Firm Ground for  
American Democracy**

**By THE REVEREND W. NORMAN PITTENGER**

**F**OR THOSE OF US who are profoundly convinced that no secular or humanistic philosophy of life can provide an adequate ground or basis for a decent and truly humane existence, and who believe that America can never survive as a free land unless its freedom is rooted in a deep religious faith, it is very gratifying to hear it said on all sides that we must see to it that our people return to religion and a religious interpretation of life. We believe this, and we welcome any signs of such a return.

It may, therefore, seem singularly ungracious and self-defeating for us to find fault, yet the duty is imperative. And the fault which we shall find is not at all in connection with the need for a return to religion. Rather, it is concerned with the *methods* which may



It Is Just a Stone, With the Date 1620 Chiseled on Its Surface. But It Symbolizes the Landing Place of the Pilgrims Who Crossed the Broad Atlantic in the "Mayflower"

be employed to further that return. For it is possible that one of two things may occur, both of which seem to us to be vicious, untrue to the nature of Christianity (if we are Christians), and inimical to the American "way."

With one of these I have tried to deal in several earlier articles in this magazine. It is the attempt to work out some religious minimum, acceptable by reason of its indefinite nature, which can be regarded as "the American religion." This moralistic religion, interested in promoting the pursuit of "values" and "ideals" and providing a dynamic for American principles, can then be substituted for a vital, historically developed religion, since it can be regarded as the essence of all religion, deeper and truer than any of the temporary forms which it is felt the particular denominations or sects present. Yet such a generally accepted "American religion," preached in Fourth of July addresses and supported by national leaders in their public pronouncements, would be (we

T. K. MARTIN

As We Stand Under the Portico, Built Some Years Ago to Protect Plymouth Rock, We Obtain This Impressive View of That Famous Stone

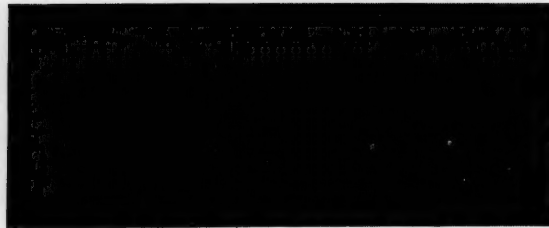
**FOURTH QUARTER**



PINNEY, MONKMEYER

think) a sorry substitute for the firm faiths which have in the past molded the characters and shaped the personalities of those who have made America great. And if it should, to any large degree, win the allegiance of masses of our citizenry, it would threaten the freedom of those older faiths, as of any very "particular" religious belief, for it might well come to regard these as "peculiar," "strange," "alien to our culture."

Yet it is not with this danger that we are concerned in this article. We are directing our attention to another and perhaps as imminent danger—namely, that the historic faiths shall seek, by political pressure and other coercive means, to force their point of view and their particular beliefs and practices upon Americans, simply by using those methods which, in the vulgar parlance, put them "on the spot." There is one great religious group in this country, the Roman Catholic Church, which seems prepared to "go all out" in this direction. It has lately been exerting an extraordinary pressure, at point after point and in way after way, to make itself the dominant force in our national life. Of course, the wiser minds among Roman Catholic clergy and laity are not guilty of anything like this coercion; yet it must be admitted frankly that the hierarchy, and certain of the organizations associated with the Roman Church, have done exactly this.



There Is Only One Way That Religion Can Carry on Its Work. Win Converts to Itself, and Flourish. That Road Is the Way of Charity. Then Free Men, With Free Minds, Can Be Won by Persuasion Rather Than by Force

Many of us have become increasingly conscious of this policy on the part of the Roman Catholic Church, and we rejoiced a few months back when the leaders of Eastern Orthodox communions in the United States spoke frankly and flatly on the policy of misrepresentation evidenced by the recent speeches of a distinguished and popular Roman monsignor in pulpit and on the radio. Likewise, the outburst which followed the action of Roman Catholics in the Cincinnati schools—where an attempt was made, in effect, to control the educational system in a suburb of that city—has been an encouraging sign. And again, the protest against the use of public monies to support, in direct or indirect fashion, the schools of the Roman Church must be greeted with enthusiasm.

For all these actions, against which protest has been made, were part of a movement to bring an element of coercion into the situation—to make people religious, or at least make them support religion, by pressures of one kind or another. It is not that the Roman Church, or any other body, cannot under American law plan for and provide education for its members; rather, it is that this can be undertaken in such a fashion that the whole principle of religious freedom is called in question, and men and women and children coerced into a support, or kind of support, which they do not freely and conscientiously choose for themselves.

Now those of us who are not members of the Roman Catholic Church have a peculiarly difficult task at this time. For we are anxious, naturally, that our own particular religious group shall have equal opportunity to flourish in this land; we are convinced of the truth of our convictions, or else we should not belong to the communion to which we have given our allegiance, and we wish it to grow and win the support of others. But we must not permit ourselves to be tempted into an aping of the methods of Rome, any more than we can allow ourselves to succumb to the temptation to accept a vague "American religion" as a substitute for our particular faith.

The real point is that anyone who grasps the genius of the Christian religion, as this stems from its Founder and has been represented by its great leaders

down the centuries, knows that there is only one way in which that religion, or any of the interpretations of it, can carry on its work, win support, and flourish. That is by the way of charity. By this we mean by the presentation of truth to the free minds of free men, by persuasion rather than compulsion, by sincere and unswerving respect for conscience, by absolute refusal to use "the sword" or any modern refinement of it, and by reliance instead on the truth of the message itself. One might say that those who are won by any other method are not worth the winning; they are "rice Christians," as they say in the Far East, and they may very well do more harm than good to an integral, convinced, devoted religious faith.

The writer is an Episcopalian. Therefore let him use this particular communion to illustrate his point. Naturally, as an Episcopalian he believes the faith of his communion, he attends its worship and seeks to live according to the discipline which is set forth in the *Book of Common Prayer*. But it is unthinkable that he should try to use any means in setting forth that position which would do violence to the freedom of conscience of any other man. It is unthinkable that he should welcome, or even desire, that public monies should be used to support any projects or institutions which the Episcopal Church maintains. In that he belongs to this communion, he has accepted the obligation to provide for the maintenance of that communion; if he wishes to have "church colleges" or "church schools," for example, he accepts the obligation to support them and not to ask that they be supported. We do not have any established church in this country, nor do we desire one.

Now the relation of church and state is bound to involve tensions; anyone who denies this is simply denying the plain facts of history. But the particular solution of the problem of church-state relationships in America, while it by no means resolves the tensions, at any rate has done this much: it has put the problem

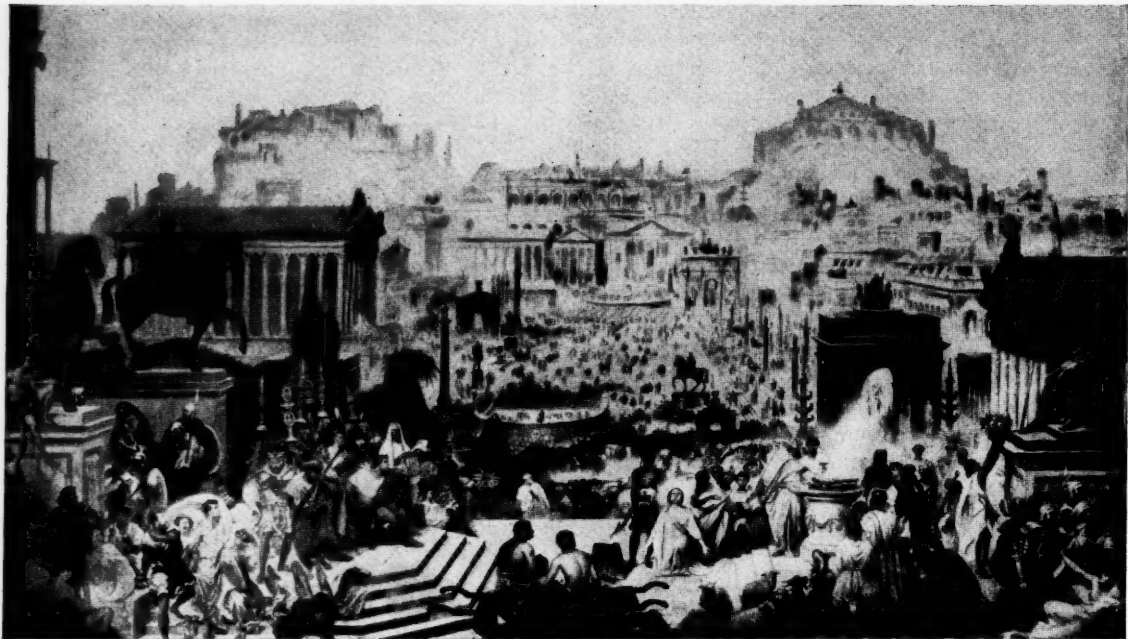
exactly where it belongs, in the conscience of the individual citizen and in his God-given right to work out, as best he can and in the light of the best good of those who are his fellow citizens, where his responsibility lies and what he shall do about it. His conscience may, and doubtless should, be "formed" by his whole religious tradition; but in the last resort, as even St. Thomas Aquinas insisted, *conscientia semper sequenda est* (conscience is the last court of appeal and must be followed always). How can conscience be followed, how can it be the last court of appeal, when any kind of pressure, political or the like, is put upon it?

If we are told, as we have been, that "truth has privileges which are denied to error," we must still ask, Who determines this to be true rather than that? And the answer is that it is the free, reasoning mind of man, thinking loyally about the facts, which is our only refuge from tyranny, religious or political. There is no way to escape from this resort to conscience—nor, if we be true to the spirit of our Christian religion, should we happen to be Christians of any persuasion, do we wish it to be otherwise.

We have heard lately that "freedom of religion" means, not "freedom from religion," but "freedom to be religious, as our conscience dictates and our sense of truth demands." Precisely; but by that very token it must permit even the atheist his atheism, while it works and prays that he may be delivered from his negatives into a positive religious faith. For as our Lord Jesus Christ declared, "The truth shall make you free." It is not coercion, not force, not pressure, not state-supported churches and schools, but the truth of God, preached and taught and exhibited by love and in love, through our being able to give a "reason for the faith that is in us," that we can secure that free and wholehearted assent to religion, that return to religious principles, which will provide firm ground for our American democracy.

**'Our Lord Jesus Christ declared, "The truth shall make you free." It is not coercion, not force, not pressure, not state-supported churches and schools, but the truth of God, preached and taught and exhibited by love and in love, through our being able to give a reason for the faith that is in us, that can secure that free and wholehearted assent to religion, that return to religious principles, which will provide firm ground for our American democracy.'**





Ancient Rome Under Many of Her Rulers Was Tolerant. Under Others, However, She Was the Fiercest of Persecutors

## Toleration Is Dangerous

By FRANK H. YOST, Ph.D.

**A** BIGOT IS NOT an agreeable companion. He is sure he is right, and does not feel the need of recognizing the right of others to differ from him. He is annoyed if others do not agree with him, and if he could, would suppress the differences and bring all into harmony with the position he holds. Therefore, when a bigot is in authority, where he governs the actions of other men, he is positively dangerous to the cause of freedom. There is one thing to be said concerning one's relations with a bigot: one knows just where he stands. He has no freedom. Where the bigot is in authority, we say, "Beware."

In contrast to the bigot, the tolerant man is a joy and delight. His convictions may be very well established. He may be as sure as the bigot that he is right. But being tolerant, he listens patiently to those who differ from him. He sees them put their ideas into action, and maintains his attitude of toleration.

Toleration is defined as "act or practice of tolerating; specif., the policy, usually governmental policy, of permitting the existence of all (or given) religious opinions and modes of worship contrary to, or different from, those of the established church or belief; recognition of the right of private judgment, esp. as

to religious matters." Men who can show this attitude are pleasant companions. They may wish that those who differ from them would not be as they are. They may wish they could bring to an end those differences. But they are kind enough to tolerate the differences. They condescend toward those who differ. For it is a condescension.

The bigot does not condescend. He dislikes to be differed from, lets it be known that he does so, and whenever he can, eliminates the differences. Not so the tolerant man. He knows within his own soul what is right. He wishes there were no one differing from him. But he condescends to be pleasant about it.

But suppose the tolerant man comes into authority, where he can to a degree govern the conduct of others. He is still tolerant. He still condescends. But it is *a condescension*. At any time that he deems it best, this pleasant but condescending tolerant man can at his own discretion have the rules of the game changed, and deal with those who have been differing. He may restrain them quite completely. He may put limitations upon the areas or procedures of disagreement. He may merely issue some cautions respecting differing. He once condescended to permit differences. Now,

having the authority, and seeing the need of enforcing a greater or less degree of unity, he condescends to limit or restrain the differences.

Clearly then, the attitude of toleration is permissive. The continuation of toleration is dependent, not upon a set of principles of freedom, but upon the attitude, the judgment, the authority, of those who extend the toleration. Under toleration, latitudes of difference, wider or narrower, are permitted. These latitudes exist by sufferance; they do not exist as inherent freedoms.

Contrast this situation with liberty. To be free is an inherent right. License is not a right, because it trespasses upon the rights of others. The liberty possessed by each man because he is a man, balances, and is balanced by, the liberty possessed by every other man. This liberty, thus practically balanced, is inherent. It is not extended, or granted. It is not acquired. It exists as part of the personality of man because he is a personality. When we say to our fellow man, "That is your right, to do so-and-so," we are not condescending to him, we are not expressing toleration. We are stating a fact, recognizing a situation, adhering to a principle, and very simply living out with our fellows an inherent relation of freedom.

Bigotry and liberty are mutually incompatible. They are mutually destructive. Bigotry cannot thrive where there is liberty. Bigotry is destructive of liberty. "There is no discharge in this war."

But toleration and liberty are also incompatible. Where liberty is, toleration is a needless gesture. Where only toleration prevails, liberty fades. It fades because, whereas liberty operates on principle, toleration is permissive. They cannot abide together.

Of course, where bigotry and intolerance have been in control, toleration is a joy and delight. It comes to the oppressed and persecuted as a great relief. The condescending kindness of it gives opportunity for possession and expression of differences impossible under intolerance. It is a happy change for the oppressed. But it is condescending and impermanent in nature, and very often in practice. It is fickle and brittle, inasmuch as it is only as permanent as the attitude of those in governmental control. In the minds of those granting toleration there is a norm of opinion and conduct, to differ from which is to stray from the normal. To be other than normal, toleration concedes only as a privilege, not as a right. This privilege can be limited or withdrawn at any time, and those formerly privileged have no *inherent*, but only a *concessive*, opportunity of protest.

History illustrates this for us. Ancient Rome was tolerant. As it again and again widened its boundaries, it granted toleration to those acquired populations whose forms of government and of worship did not conflict with the basic governmental forms and

loyalties and fundamental religious expressions inherent in the Roman system. Even the Jews, who came within the Roman orbit about 63 B.C., and whose religious forms differed so radically from the Roman, were able, by making certain adjustments, to creep under the mantle of Roman tolerance.

But when, sixty-five years later, Christianity appeared within the Jewish economy, it was rejected by the Jews, denied by them a place, and hence did not come under the toleration extended to the Jews by Rome. Tolerance was limited, and Christianity found itself outside the pale. The result was that from Nero to Licinius there is a record, intermittent but bloody, of persecutions of the Christians. The tolerance of Rome was limited.

Then in the year 313 Constantine issued, in the name of Licinius and himself, as fine a charter of religious liberty as has perhaps ever been promulgated. It granted freedom of worship to all, and specified this freedom for Christians. But actually it was only a concession, a grant, and its terms were not carried out. A year after the Edict of Toleration, as historians like to call it, was issued, Constantine called a church



### Constantine's Edict of Toleration A.D. 313

When I, Constantine Augustus, and I, Licinius Augustus, had happily met together at Milan, and were having under consideration all things which concern the advantage and security of the State, we thought that, among other things which seemed likely to profit men generally, we ought, in the very first place, to set in order the conditions of the reverence paid to the Divinity by giving to the Christians and all others full permission to follow whatever worship any man had chosen; whereby whatever divinity there is in heaven may be benevolent and propitious to us, and to all placed under our authority. Therefore we thought we ought, with sound counsel and very right reason, to lay down this law, that we should in no way refuse to any man any legal right who has given up his mind either to the observance of Christianity or to that worship which he personally feels best suited to himself; to the end that the Supreme Divinity, whose worship we freely follow, may continue in all things to grant us his accustomed favor and good-will. . . .

council in Gaul and condemned the Donatists, a schismatical sect of Christians, and they became an object of suppression and persecution. Within the next seventy-five years Christianity became exclusively the legal religion of the empire, heretical sects were condemned by law, and toleration ceased. Liberty existed only as a principle in the minds of men who could say, "We must obey God rather than man," and die for that right. Religious liberty was not known, and was a stranger throughout the Middle Ages.

Then came the Reformation. Here indeed religious freedom should have been illustrated by men who needed so much the right of differing. But it did not appear. The conflict between Lutheran and Catholic need not be here detailed, but out of the conflict there came a kind of toleration. Men were granted the privilege of worshipping in harmony with the faith of their respective princes. It sounds strange to our ears today—or at least it should sound strange—that Europe accepted the principle of *cuius regio, eius religio* (he who rules determines the religion). What a strange freedom was here—a freedom to accept the religion of government, or to move, if he could, to a region where a congenial religion was observed. This formula has not been fully obliterated from some men's minds.

France was almost rent asunder by the religious controversies of the sixteenth century. The Huguenot sought recognition; the Catholic opposed him. Many on each side desired for his party control of the gov-

ernment. When the former Protestant, King Henry of Navarre, was crowned as a Catholic king, and became Henry IV, he sought religious peace in France, and hoped to attain it by issuing, near the close of the century, the Edict of Nantes, which gave to the Huguenots extensive privileges of worship, with whole towns placed under virtual Huguenot control. The privileges granted seemed to the Protestants like freedom, after the years of conflict and bloodshed.

But freedom it was not. Henry's grandson, Louis XIV, felt the need for unity in his country, which he was leading again and again into war, and sought to compel it by suppressing, after a century, the toleration under which the Huguenots had prospered. The Edict was revoked, and under the resulting pressures thousands of Huguenots recanted. Other thousands fled from their native land, and took with them indispensable skills in artisanry and finance. Toleration proved fickle.

Toleration is not a principle but an attitude. Therefore it cannot be relied upon.

We pay respect to the toleration which is permitted in so many parts of the world today. Like the pleasant fellowship of the tolerant man, it is enjoyable, and far more congenial than intolerance. But man is answerable, not to man, but to God, for his conscience, and nothing short of religious liberty gives to man the opportunity, inherently his, to find his God for himself. It is the duty of man to be free.



POTE, DEVANEY

Religious Liberty Was Not Known Throughout the Middle Ages. Even Today in a Large Part of the World It Is a Stranger



# A Story of Peter Zenger

A "Freedom of the Press" Pioneer

By WILLIAM H. HACKETT

**T**HE NATIONS OF THE WORLD will discuss the issue of freedom of the press at an International Conference on Freedom of Information to be held in Geneva, March 23, 1948, and of all the nations that will attend, the United States has the record for being the pioneer in the field of a free press.

The colonial trials and subsequent victories in the free press cases of Peter Boss, William Bradford, and John Peter Zenger established the framework around which freedom of the press as it is known in the United States is built.

The International Conference on Freedom of Information will actually involve not only the press but also radio and motion pictures. Quoting from the conference agenda, a Canadian representative said, "The press should tell the truth without prejudice and spread knowledge without malicious intent."

The United States—or rather the colonies that later became the United States—has been the scene of the fight over the principle that a publisher has a right to tell the truth.

License, tax, and rules of seditious libel were curbs on a free press, imported with the establishment of the colonies. The royal governors brought with them the idea of taxation, and it was made to apply to newspapers for a brief period in the colony of Massachusetts and was later resorted to in the form of a newspaper stamp tax immediately preceding the Revolution.

License was common in the early days of this country's history and was an effective means of combating an unfavorable press. The ruling powers, the king's governors and such like, would give a particular printer a license to print the news as given him by those in control, and the publication bore the imprint "printed by authority."

Actually the freedom of the press as it is understood in America today was given shape by the early seditious libel cases. The trial of Peter Zenger in New York is perhaps the best known of these, although there were several others. In the Zenger case a trial by jury upset the rulings of the king's authorities and established a new principle. Although this decision



Peter Zenger, in His Humble Shop, Helped Pioneer the Freedom of the Press

was given in a colony in 1735, England did not change her own law until 1792.

A German immigrant boy named John Peter Zenger landed a job in the printing establishment of William Bradford in New York; and while serving an apprenticeship he no doubt acquired Bradford's keen feeling with respect to the rights of publishers, because both men were destined to become champions of a free press on separate occasions. Zenger left the employ of Bradford and went to Maryland, where he went into business for himself at Chestertown. It is indicated he may have become a "by authority" printer, for it is known he sought the printing of the proceedings

of the Assembly in 1720, and the reward for his work was fixed at seven hundred pounds of tobacco. In 1725 he went back to New York and formed a partnership with Bradford. This lasted one year. Zenger then went into business for himself in that city.

Subdued opposition to the policy of English governors in depriving their subjects of property and rights was then arising, and Peter Zenger began a series of bold protests against these tyrannies in his newspaper, the *New York Weekly Journal*. He also issued political tracts which proved popular with that section of the colonial population growing tired of the mandates of the haughty governors. This division of opinions led to the formation of two political parties—the Court Party, representing the will of the Governor; and the Popular Party, speaking for those opposed to tyranny.

A famous lawyer of the day, James Alexander, wrote a friend saying, "Inclosed is the first of a newspaper design to be continued weekly and chiefly to expose him [the governor] and those ridiculous flat-teries with which Mr. Harrison loads our other newspaper which our Governor claims and has the privilege of suffering nothing to be in but what he and Mr. Harrison approve."

The *Journal* was a four-page sheet and sold for three shillings a quarter. Rates for advertisements were three shillings for one insertion.

This was something new in colonial journalism. The people had been accustomed to reading only fine

words about their rulers. They had not before read the views of anyone publicly daring to voice criticism of the conduct of colonial government. That made the *Journal* a popular paper.

It was not popular, however, with Governor William Cosby. The paper sponsored a candidate for the Assembly, and the candidate won. This further irked the governor, who had his Chief Justice DeLancey call a grand jury. It was charged that Zenger's paper was preaching treason and engaging in defamation. It was a disappointment for the governor's staff when the grand jury returned its verdict. It refused to indict Zenger for treason. It merely ordered the public hangman to burn the copies of the paper the governor and chief justice objected to.

Zenger was held in jail all the while, but his paper went on voicing its views on the governor's administration. He was arrested in November, 1734, and held in jail until January 28, 1735, unable to provide the high bond of four hundred pounds demanded for his release. During this time he dictated his editorials through a slot in the door of his cell, his wife carrying

them back to an assistant in Zenger's plant, and the matter appeared regularly in the *Weekly Journal*.

The second jury refused to indict Zenger for treason, but he was charged with "printing and publishing false, scandalous, malicious and seditious libel, to the great disturbance of the peace."

Two well-known lawyers, members of the Popular Party, appeared in court to defend Zenger. They were James Alexander and William Smith. They were promptly disbarred by the chief justice. This was a blow to Zenger and his friends. The case was reset for trial, and Zenger's friends quietly labored in his behalf.

They secured the services of Andrew Hamilton, of Philadelphia, a highly respected and well-known lawyer. He agreed to defend Zenger without fee. Tradition has it—though positive proof is not in evidence—that the famous phrase "smart as a Philadelphia lawyer" came from Hamilton's handling of the Zenger case.

The trial was held in the old New York City hall on Wall Street where the subtreasury building now stands. On the one side was arrayed the governor's finest counsel and on the other an elderly man—weather-beaten with respect to colonial courts, for among previous famous cases he had defended William Penn in the suit against Berkely Codd involving Penn's rights under the grant of the Duke of York. He had served nine years as speaker of the Colonial assembly.

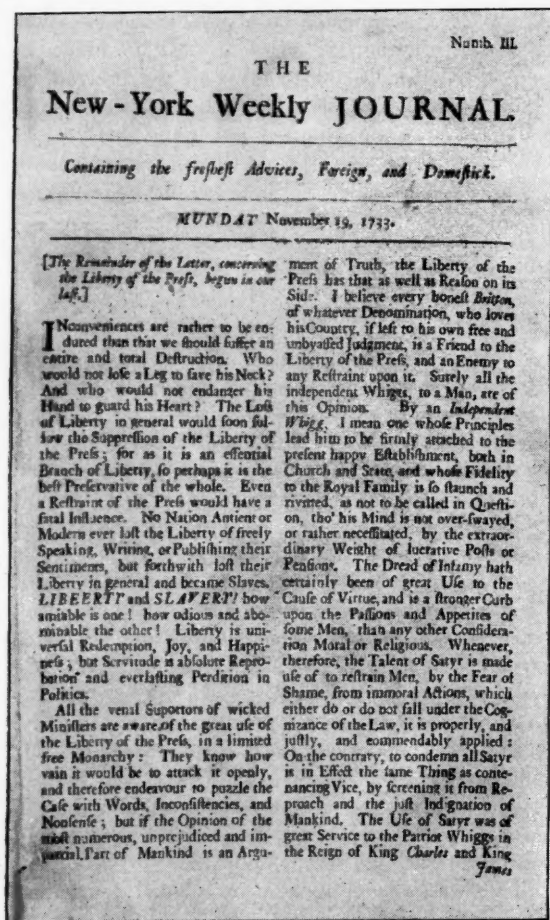
In a surprise move Lawyer Hamilton admitted Zenger had printed newspapers containing the statements attributed to him. But, he asked, was it a crime or libel to tell the truth on the printed page?

The chief justice ruled a defendant could not give the truth of a libel in evidence. In other words, he declared a publisher was not permitted to prove that his statements in question were true.

The aged Hamilton then declared, "Not the bare printing and publishing of paper makes it a libel; you will have something more to do before you make my client a libeller; for the words themselves must be libellous, that is—false, scandalous and seditious, or else we are not guilty."

The chief justice insisted the jury should leave the matter of law to the court and that its sole duty was to decide whether Zenger had actually printed and published the articles in question. This, however, had already been admitted by Zenger's lawyer.

Sensing the attitude of the court, Hamilton con-



A Facsimile of One of Peter Zenger's Papers, Published in 1733. Containing an Article on the Liberty of the Press

**"The Trial of Zenger in 1735 Was the Germ of American Freedom, the Morning Star of That Liberty Which Subsequently Revolutionized America"**

finished his remarks in the direction of the jury, insisting they had the full right to decide both the law and the facts.

In his famous and eloquent plea to the jury he said, "The question before the court, and you gentlemen of the jury, is not of small nor private concern, it is not the cause of a poor printer, not of New York alone, which you are now trying. No! It may in its consequence affect every freeman that lives under the British Government on the main of America. It is the best cause. It is the cause of liberty . . . for securing to ourselves, our posterity, and our neighbors, that to which nature and the laws of our country have given us a right—the liberty—both of exposing arbitrary power (in these parts of the world at least) by speaking and writing truth."

To use Zenger's own words, "The jury went out and in a small time returned." Asked to state the verdict of the jury, the foreman sternly replied, "Not Guilty." It was a great day for Zenger, for Hamilton, and for twentieth century freedom of the press.

Hamilton was given "freedom of the corporation," and a gold box weighing five ounces. Zenger became public printer for New York and New Jersey.

Of the trial, Gouverneur Morris, the famous statesman, said, "The trial of Zenger in 1735 was the germ of American Freedom, the Morning star of that liberty which subsequently revolutionized America."

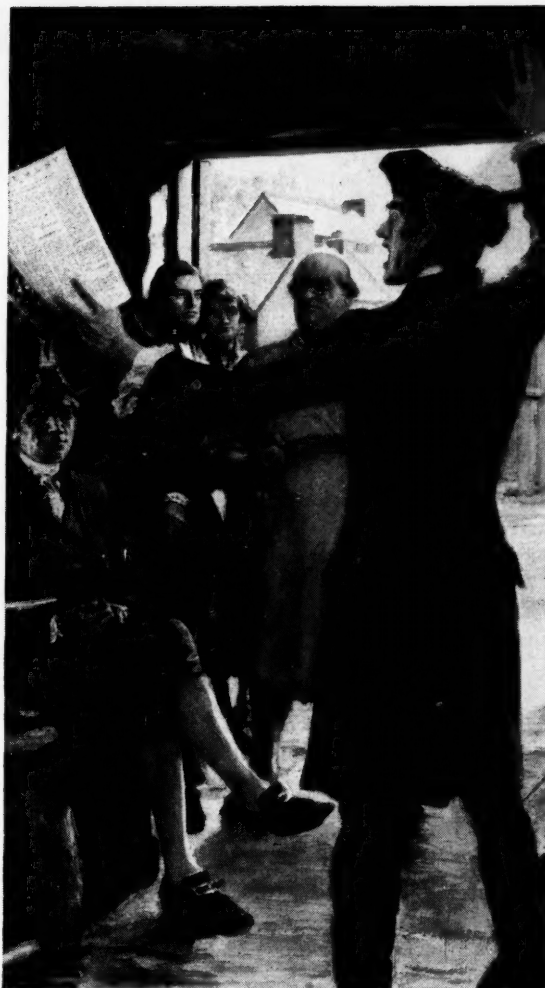
In the earlier trial William Bradford, a printer, had allegedly caused to be printed a pamphlet written by George Keith on his controversy with a group of twenty-eight Quaker preachers and called "An appeal from the Twenty-eight Judges to the Spirit of Truth and true Judgment in all faithful Friends, called Quakers, that meet at this yearly meeting at Burlington." This was in 1692.

As in the Zenger case, the governor contended that all the jury were to find was whether or not Bradford had printed the paper.

To this Bradford declared, "That is not only what they are to find, they are to find also whether this be a seditious Paper or not and whether it does not tend to the weakening of the hands of the Magistrate." (This is what the charge against Bradford alleged.)

Replying to this momentous proposition, Governor Lloyd countered, "Yea, that is a matter of Law which the jury are not to meddle with but find whether William Bradford printed it or no, and the Bench is to judge whether it be a Seditious Paper or not; for the Law has determined what is a Breach of the Peace,

**FOURTH QUARTER**



COURTESY, MET. LIFE INS. CO.

N. PRICE, ARTIST

and the Penalty; which the Bench only is to give judgment on."

The instructions to the jury stated that the jurors should decide whether the matter was libelous and would tend to "the disturbance of the peace" as well as whether Bradford printed it.

This is believed to have been the first time in the history of English jurisprudence that a court of competent jurisdiction left to the jury the question of the determination of the seditious character of an alleged libelous paper.

In these cases great public interest was aroused. The right of the people to be given the facts was involved.

All too little interest is paid by Americans today to these liberties for which our pioneers so valiantly fought and sacrificed. A revival of the zeal of our forefathers for these sacred freedoms, not only of press, but of speech and religion, is needed if we are to remain free men.



# The First Civil Sunday Laws—Part III

## Constantine's Sunday Legislation

By ROBERT LEO ODOM

**I**T WAS ON MARCH 7, A.D. 321, that the first civil Sunday law was promulgated. On that date Constantine, as emperor of Rome, issued the following decree:

"Let all judges and townspeople and all occupations of trade rest on the venerable day of the Sun; nevertheless, let those who are situated in the rural districts freely and with full liberty attend to the cultivation of the fields, because it frequently happens that no other day may be so fitting for the planting of grain and setting out of vineyards, lest at the time the commodities conceded by the provision of Heaven be lost. Given on the Nones [the seventh] of March, Crispus and Constantine being consuls, each of them for the second time."<sup>1</sup>

On the following day—March 8—the emperor issued a law which required the consultation of the *haruspices*, the soothsayers whose official duties included divination by examining the entrails of animals offered as sacrifices to the gods of the pagans. This is evidence of the heathenism of Constantine at this time. In this edict the emperor said:

"That whenever the lightning should strike the imperial palace or any other public building, the *haruspices*, according to ancient usage, should be consulted as to what it might signify, and a careful report of the answer should be drawn up for our use."<sup>2</sup>

Edward Gibbon, skeptic and historian, has sarcastically remarked: "His ministers were permitted to signify the intentions of their master in the various language which was best adapted to their respective principles; and he artfully balanced the hopes and fears of his subjects by publishing in the same year two edicts, the first of which enjoined the solemn observance of Sunday, and the second directed the regular consultation of the *Aruspices*."<sup>3</sup>

The Sunday edict of March 7 was interpreted by some to mean that emancipation promised to slaves could not be effected on Sunday, because such an act was of a legal nature. For this reason Constantine, by a law issued in June of the same year, declared that while he did not permit the holding of courts to hear lawsuits on Sunday, he never intended that to forbid the manumission of slaves. In this second edict concerning Sunday he urged also that the day be used for religious purposes, saying:

"As it should seem most improper that the day of the Sun, noted for its veneration, be occupied in

wrangling discussions and obnoxious contentions of parties, so it is agreeable and pleasing to be performed on that day what is principally vowed; and also all may have liberty on this festive day for emancipation and manumission [of slaves], and acts concerning these matters may not be prohibited."<sup>4</sup>

In the first law Constantine speaks of Sunday as "the venerable day of the Sun." In the second law he refers to it as "this festive day" and "the day of the Sun, noted for its veneration." This shows that Sunday was then a popular religious festival named in honor of the Sun, which was the principal object of worship in the state cult of Romanized Mithraism. Abundant historical and archaeological evidence reveals that since the first century before Christ the Sun, Moon, Mars, Mercury, Jupiter, Venus, and Saturn had been worshiped as planetary gods among the pagans of the Roman Empire: and that the days of the week had been consecrated to, and named after, such deities in religious and astrological calendars of the Roman people.<sup>5</sup> On Sunday—the day of the Sun—the Invincible Sun was honored by his pagan devotees.

Moreover, since the middle of the second century after the birth of Christ, as attested by Justin Martyr's report<sup>6</sup> to the Roman emperor, Antoninus Pius, and his son, Marcus Aurelius, Christians in Rome and some other places held a meeting on Sunday. It was made a merry church festival in commemoration of Christ's resurrection from the dead on the first day of the week. Constantine, therefore, was not the originator of Sunday observance, but he was the first civil ruler to compel people, by means of civil legislation, to observe that day. The seventh-day Sabbath, however, was still observed almost universally by Christians as the day of rest appointed by the Lord.<sup>7</sup>

Outstanding Sunday-keeping scholars have commented on the Sunday legislation by Constantine, and some of their remarks are worthy of serious consideration.

Philip Schaff, a church historian, has said: "The Sunday law of Constantine must not be overrated. He enjoined the observance, or rather forbade the public desecration of Sunday, not under the name of *Sabbatum* [Sabbath] or *dies Domini* [Lord's day], but under its old astrological and heathen title, *dies Solis* [Sunday], familiar to all his subjects, so that the law was as applicable to the worshippers of Hercules,

Apollo, and Mithras, as to the Christians. There is no reference whatever in his law either to the fourth commandment [of the Decalogue] or to the resurrection of Christ.”\*

J. Westbury-Jones, an English writer, speaks thus: “How such a law would further the designs of Constantine it is not difficult to discover. It would confer a special honor upon the festival of the Christian church, and it would grant a slight boon to the pagans themselves. In fact there is nothing in this edict which

might not have been written by a pagan. The law does honor to the pagan deity whom Constantine had adopted as his special patron god, Apollo or the Sun. The very name of the day lent itself to this ambiguity. The term Sunday (*dies Solis*) was in use among Christians as well as heathen.”\*

“The retention of the old pagan name of ‘*dies Solis*’ or ‘Sunday,’ for the weekly Christian festival,” says Arthur P. Stanley, another church historian, “is in great measure owing to the union of pagan and Christian sentiment with which the first day of the week was recommended by Constantine to his subjects, pagan and Christian alike, as the ‘venerable day of the Sun.’ His decree regulating its observance has been justly called a new era in the history of the Lord’s day. It was his mode of harmonizing the discordant religions of the empire under one common institution.”\*\*

Eusebius, bishop of Caesarea, was a personal friend, flatterer, and biographer of Constantine. He not only advised and praised the emperor while he lived, but when he died, Eusebius delivered his funeral oration. The bishop eulogized him because “he commanded also that one suitable day for prayers be regarded, the truly chief, and first, and really Lord’s and salutary [day], and also that of light, and of life, and of immortality, and of every good thing named.”\*\*

He asks: “Who else has commanded those inhabiting the great globe of earth, and those throughout land and sea, that they should regard the Lord’s day in every week, and upon it should celebrate a festivity, and build up their bodies, and furnished an incentive to their souls for divinely inspired instructions?”\*\*

Eusebius describes Constantine’s legislation at length, saying:

“And also he ordained a suitable day for prayers, the truly chief, and first, and really Lord’s and salutary [day]. And deacons and ministers consecrated to God, men both sober of life and adorned with every virtue, he appointed custodians of all his house. The faithful spearmen and bodyguards, equipped with the arms of virtue and faith, had for a teacher of piety none other than the emperor himself; and they failed not to honor the Lord’s and salutary day, offering up among themselves gracious prayers, for the emperor. And the Blessed Prince labored to make all men do this, as it were making a vow itself, to make all men little by little religious. Wherefore, to all those governed under the Roman Empire he commanded to be made a rest on the days named for the Saviour; and likewise also those of the Sabbath” to honor; it ap-

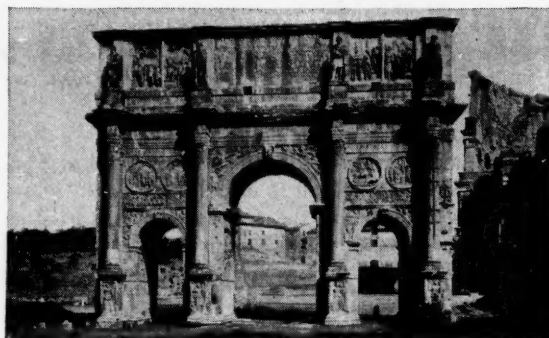


This Great Statue of the Roman Emperor Constantine Stands in the Grand Portico of the Lateran in Rome

pears to me, with respect to a memorial of the things remembered to have been done on these days by the common Saviour.

"And the salutary day, which also happens to be named in honor of the light and of the Sun, he, earnestly teaching all the army to honor, gave to those partaking of the faith in God leisure to attend the church of God unhindered, in honor of whom to devote to prayers without any one being an impediment to them.

"And for those not as yet partaking of the Divine Word, he commanded in a second law that they be marched on the Lord's days to the open field before the camp, and there, at a given signal, offer up together with one accord a prayer to God. For neither in spears, nor in full armor, nor in strength of bodies should they fix their hope, but above all in knowing God, the Giver of all good things, even of victory itself, to whom it is fitting to offer prayers while the hands are raised aloft toward heaven, and the eyes of the mind pass on beyond to the heavenly King, and in prayer calling upon the Saviour, Giver of victory, the Guardian and Helper. And he was a teacher of prayer to all the soldiers, exhorting them all to say together in the Latin tongue thus:



The Arch of Constantine in Rome

"Thee alone we acknowledge as God; and Thee we reverence as King. We invoke Thee as our Helper; and to Thee we owe our victories. By Thee we have put down our enemies. We thank Thee for the good things of the past; and in Thee we hope for the future. We are all become Thy supplicants; and we earnestly beseech Thee to preserve to us our emperor Constantine and his divinely beloved sons in long life of health and victory.'"<sup>14</sup>

It is worthy of note that the language of the prayer was such that it might be addressed to any one of the many gods adored by the emperor's subjects, although it probably was framed by some clergymen and intended, as Eusebius implies, to be addressed to the true God. Victor Duruy's comment on it is very appropriate:

"He sent to the legions, to be recited upon that day [Sunday], a form of prayer which could have been employed by the worshiper of Mithra, of Serapis, or of Apollo, quite as well as by a Christian believer. This was the official sanction of the old custom of addressing a prayer to the rising Sun. In determining what days should be regarded as holy, and in the composition of a prayer for national use, Constantine exercised one of the rights belonging to him as Pontifex Maximus; and it caused no surprise that he should do this."<sup>15</sup>

Note, too, that Eusebius declared that the emperor "labored to make all men do this, as it were making a vow itself, to make all men little by little religious." Here, then, is revealed the objective of the first civil Sunday. However disguised it may be, this is generally the real objective of such legislation today, to force religion upon the people.

The First Sunday Law, That Issued by Constantine in 321, Permitted Persons Engaged in Agriculture to Continue Their Pursuits on the First Day of the Week





C. D. ARNOLD

The Ruins of the Colosseum in Rome

E. G. White, a modern writer, has rightly observed: "In the early part of the fourth century, the emperor Constantine issued a decree making Sunday a public festival throughout the Roman Empire. The day of the Sun was revered by his pagan subjects, and was honored by Christians;<sup>10</sup> it was the emperor's policy to unite the conflicting interests of heathenism and Christianity. He was urged to do this by the bishops of the church, who, inspired by ambition and thirst for power, perceived that if the same day was observed by both Christians and heathen, it would promote the nominal acceptance of Christianity by pagans, and thus advance the power and glory of the church."<sup>11</sup>

Besides permitting agricultural pursuits to be followed on Sunday, Constantine also allowed it to be used as a market day, as had been the custom in some places. An inscription of his, found on a Slavonian bath rebuilt by him, says, "Also by the provision of his piety, he ordained that markets (*nundinae*) be held on the day of the Sun perpetually throughout the year."<sup>12</sup>

Sunday marketing continued uninterrupted throughout the centuries in Europe until Charlemagne (A.D. 768-814), at the instigation of the clergy, forbade it to be done. The practice of holding markets and fairs on Sunday is still followed in some parts of Europe.

#### NOTES AND REFERENCES

<sup>1</sup> *Code of Justinian*, book 3, title 12, law 3, in *Corpus Iuris Civilis* (Leipzig, Germany, 1829-1837), vol. 2, p. 108.

<sup>2</sup> *Code of Theodosius*, book 16, title 10, law 1, in *Codex Theodosianus* (Bonn, Germany, 1837), col. 1611.

<sup>3</sup> Edward Gibbon, *The Decline and Fall of the Roman Empire*, (six-volume edition, Harper and Brothers, New York City), vol. 2, chap. 20, p. 250.

<sup>4</sup> *Code of Theodosius*, book 2, title 8, law 1, in *Codex Theodosianus*, cols. 207, 208.

<sup>5</sup> See R. L. Odom, *Sunday in Roman Paganism* (Review and Herald Publishing Association, Washington, D. C., 1944).

<sup>6</sup> See Justin Martyr, *First Apology*, chap. 67.

This Sunday Law, However, Required Both Magistrates and People Residing in Cities to Rest and All Workshops to Close

<sup>7</sup> Socrates Scholasticus, a Greek historian (died not long after A.D. 440), wrote a continuation of Eusebius' *Ecclesiastical History*, covering the period from 366 to 439. He says: "For whereas everywhere in the world the churches on the Sabbath day, throughout every weekly cycle, celebrate the mysteries, those in Alexandria and those in Rome on account of some old tradition have refused to do this."—*Ecclesiastical History*, book 5, chap. 22, from the Greek text in J. P. Migne's *Patrologia Graeca*, vol. 67, col. 636.

<sup>8</sup> Philip Schaff, *History of the Christian Church* (Chas. Scribner's Sons, New York City, 1916), vol. 3, chap. 7, p. 380.

<sup>9</sup> J. Westbury-Jones, *Roman and Christian Imperialism* (Macmillan and Co., Ltd., London, 1939), p. 210.

<sup>10</sup> A. P. Stanley, *History of the Eastern Church* (Chas. Scribner's Sons, New York City, 1884), p. 184.

<sup>11</sup> Eusebius, *In Praise of Constantine*, chap. 9, from the Greek text in J. P. Migne's *Patrologia Graeca*, vol. 20, cols. 1365, 1368.

<sup>12</sup> *Ibid.*, chap. 17, from the Greek text in J. P. Migne's *Patrologia Graeca*, vol. 20, col. 1437.

<sup>13</sup> The Greek text of Eusebius plainly says "the Sabbath," as follows: ὁμοίως δὲ καὶ τὰς τοῦ Σαββάτου ἡμέρας. (*Life of Constantine*, book 4, chap. 18.) We know for a certainty that the seventh-day Sabbath was still observed by most of the churches then. Some commentators, however, think that there has been an error in the transcription of the original text, and that it may have meant originally "the day before the Sabbath," that is, Friday, which was then, and still is, an ecclesiastical fast day. This supposition of a corrupted text is based on the following statement from Sozomen, a church historian of the latter part of the fifth century: "And that the Lord's day, which the Hebrews call the first of the week, and which the Greeks devote to the Sun, and the (day) before the seventh, he [Constantine] commanded all the judges and others to make a rest, and in prayers and supplications to worship the Deity."—*Ecclesiastical History*, book 1, chap. 8, from the Greek text in J. P. Migne's *Patrologia Graeca*, vol. 67, cols. 880, 881.

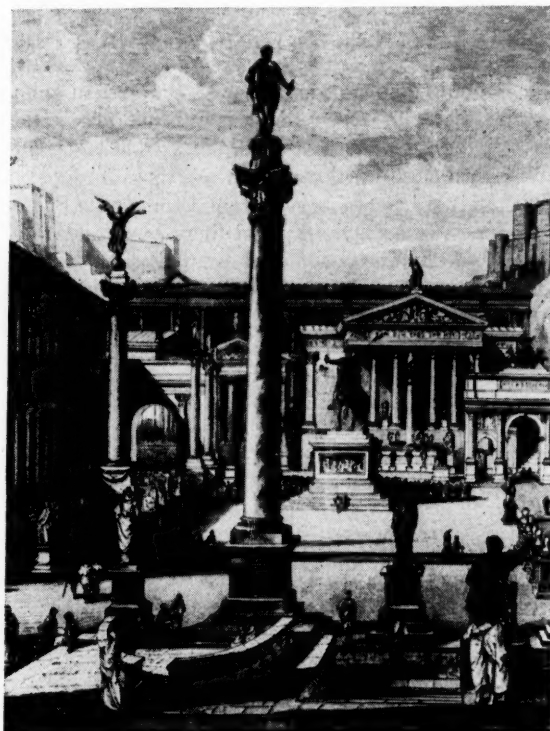
<sup>14</sup> Eusebius, *Life of Constantine*, book 4, chaps. 18-20, from the Greek text in J. P. Migne's *Patrologia Graeca*, vol. 20, cols. 1165-1168.

<sup>15</sup> Victor Duruy, *History of Rome* (Estes and Lauriat, Boston, Mass., 1894), vol. 7, part 2, p. 489.

<sup>16</sup> Tertullian, who wrote early in the third century, shows this in his *Apology*, chap. 16, and in his *Ad Nationes*, book 1, chap. 13.

<sup>17</sup> E. G. White, *The Great Controversy Between Christ and Satan* (Southern Publishing Association, Nashville, Tenn., 1911), p. 53.

<sup>18</sup> J. Gruterus, *Inscriptiones Antiquae Totius Orbis Romani* (Amsterdam, Holland, 1707), vol. 1, n. 164, no. 2, *Corpus Inscriptionum Latinarum* (G. Reimer, Berlin, 1863), vol. 3, part 1, p. 523, no. 4121. Jo. Casp. Orellius, *Inscriptionum Latinarum Selectarum Amplissimo Collectio ad Illustrandum Romanæ Antiquitatis* (Zurich, Switzerland, 1828), vol. 1, p. 141, no. 508.



# Further Developments at North College Hill

By the EDITOR

**I**N OUR LAST ISSUE we mentioned a dispatch which referred to a suit brought by a taxpayer "to enjoin the Board of Education from further payments of tax funds to the Margaret Mary [or Mary Margaret, as some dispatches refer to it] Roman Catholic Church for operation of Grace Avenue Parochial School, an affiliate of the public school system of suburban North College Hill."

The circumstances that led to the filing of this suit and the developments in connection with this little city's school system have attracted attention all over the country. The principles involved in the matter at stake are vital and of concern to every citizen.

North College Hill is not the only place where such conditions can be found. It happens to be a place where men and women who believe in the American principle of complete separation of church and state were willing to brave the charges of "intolerance" and of "stirring up strife" to defend things that cost a lot to secure and are worthy of every sacrifice.

St. Bernard is also a suburb of Cincinnati. For a long time reports coming from there have told of a state of affairs that has caused apprehension. Harold E. Fey, managing editor of the *Christian Century*, is authority for the statement that "several years ago Mrs. Frieda Reckman and her husband found themselves on the losing side of a controversy on the same issue in a neighboring town of St. Bernard. Seeking to forget the whole thing, they and other families moved to North College Hill."—*Christian Century*, July 2, 1947.

Mrs. Frieda Reckman is the taxpayer who brought the suit referred to in the first paragraph of this article. One of our friends used to say that some of the best men he knew were women. Everyone must recognize that the strength, the fiber, of a woman's determination when stirred by a conviction concerning a principle is something to be reckoned with. Apparently Mrs. Reckman was tired of being pushed around.

In 1940 the Margaret Mary, referred to in the suit as "Grace Avenue," parochial school, was incorporated into the educational system of North College Hill. At that time the Catholics had a majority of one



on the school board. The Margaret Mary school building was rented, and nuns were hired to teach in the school. We understand that the basement was reserved at that time for the use of the Catholic parish.

A new board was chosen in 1942, and its members terminated the arrangement with the parochial school. Later the Catholics again had a majority of one on the school board, and again rented the Margaret Mary school, for an annual payment of \$6,000. We are not informed what salary the nuns were paid, but it would seem that if they were teachers

in the public school system they should be paid the salary that other teachers doing like work were receiving.

The actions of the board led to a good deal of friction between classes in the community, and between the board and Dr. William A. Cook, the superintendent of schools, leading to his being told "he would not be rehired when his contract expired July 31." As a climax, twenty-eight or twenty-nine of the town's thirty-three teachers resigned, and the National Education Association blacklisted North College Hill.

We are not acquainted with the details of the Ohio law governing Probate Judge Davies' taking over as a one-man school board, but the Cincinnati *Enquirer* of July 3, 1947, says:

"Acting as North College Hill's Board of Education, Probate Judge Chase M. Davies last night adopted a tentative budget for the coming school year in which no reference was made to the Grace Avenue Parochial School.

"This development in the current affairs of the public school system led Protestant leaders in the community to believe that Catholic officials of the school did not want it included in the public system any longer.

"As yet, however, no official statement concerning the future status of the school has come from either Judge Davies or the Rev. B. J. Wellman, the community's Catholic priest."

Dr. Cook seems to have been reinstated, and all but two former teachers recommended to be again hired. These two did not desire to teach further.

The Washington Post of July 11, 1947, carried an Associated Press dispatch from Cincinnati reporting that Catholic Archbishop John T. McNicholas, of Cincinnati, had asked the delegates to the twenty-sixth annual general assembly convention of the National Education Association to take a "conciliatory approach to the highly controversial question concerning use of public funds to aid nonpublic school children."

As an answer to this suggestion, Dr. Alonzo F. Meyers, of New York City, proposed "a 'friendly' test case before the United States Supreme Court to settle the question of whether public funds can be used for operation and maintenance of Catholic schools." *America*, July 26, 1947, pays its respect to Dr. Meyers' suggestion thus: "If the constitutionality of public aid to private schools is a bogus issue, the constitutionality of discriminatory public-welfare legislation is not. And here we cannot but feel that the NEA has missed a spectacular opportunity, to confound, if not to 'conciliate,' the forces of bigotry and intolerance which are using pulpit, press and conference halls to make a partisan religious issue of our children's need for decently-paid teachers, textbooks, transportation to school.

"What real 'controversy' still persists on the question of public policy involved in the program of Federal aid will not be settled or drowned out by sonorous, panicky and irrelevant harping on the First Amendment. Perhaps a little infusion of Christian charity, for the sake of the children, would do the trick better than 'test cases' in the courts."

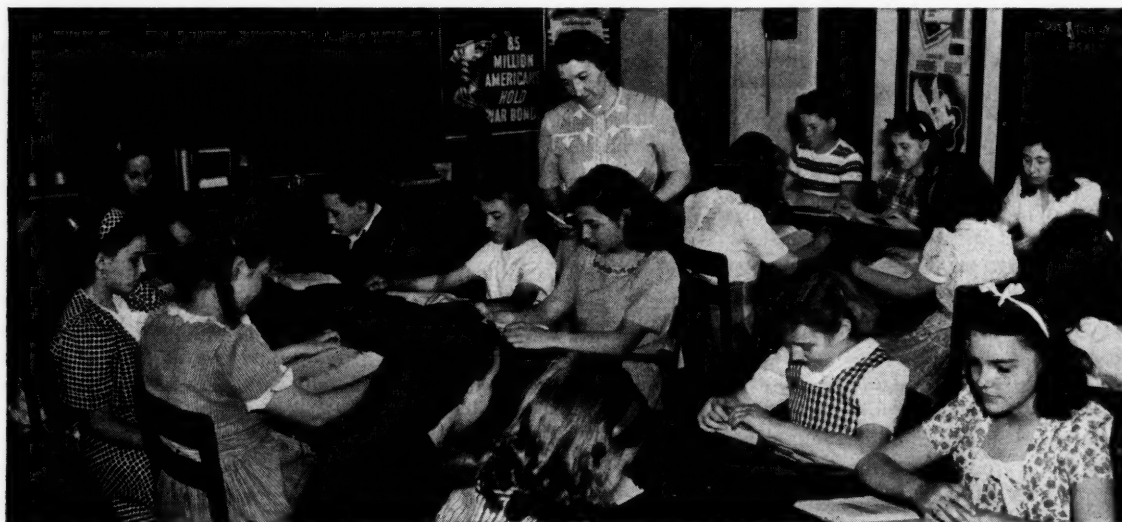
Finding fault with the National Education Association for its attitude toward Archbishop McNicholas' plea and for what it calls the Association's plea "for *ex-parte* aid from the Federal Government" to

public schools, *America* says editorially (July 26): "The NEA was not unaware, when it passed its resolution calling for *ex-parte* aid from the Federal Government, that public funds are actually being allocated, in no less than 350 instances, to American parochial schools today."

In reply to an inquiry concerning the figure cited, an associate editor of *America* credited it to Dr. Alonzo F. Meyers, adding, "We made no attempt to break down or check the figure indicated, as we feel it must be quite conservative in view of the increasingly common practice in many states of allocating public welfare funds to all school-children indiscriminately for 'goods and services' ranging through textbooks, school-lunches, public utility exemptions, recreation facilities and various neighborhood improvements." It is perfectly apparent that the evil is widespread. Those who oppose it make the charge, based on evidence—its friends confess. No further proof is needed.

This journal has consistently—almost, we might say, continuously—pointed out the evils of appropriating public funds for parochial schools. This can only lead to discord and strife. Such use of public funds is fundamentally opposed to the basic idea of the separation of church and state as understood by the nation's founders and Americans generally ever since. The doctrine that sectarian schools can rightfully claim tax funds is a new one, without a bit of support in real American teaching.

If public funds may be appropriated for sectarian schools to teach religion, then public funds may be appropriated to teach religion in Sunday schools, and all our boasted separation of church and state will be but a memory.



H. M. LAMBERT

If Public Funds Are Used to Teach Religion in Church Schools, What Will Become of Our Boasted American Principle of Separation of Church and State?



## EDITORIALS

### Separation of Church and State in the Constitution

A RECENT ISSUE of *Our Sunday Visitor*, missionary paper of the Catholic Church, contains this statement:

"There is not a line in the Constitution which relates to the separation of Church and State. The Constitution only provides that the American state will recognize no religion but give freedom to all."

If any clear-thinking man can be deceived by this sophistry, we will be surprised. When the state recognizes no religion, there is separation of church and state. It is strange how when one does not want to believe a thing it is possible to refuse to do so. We rather think that the writer in *Our Sunday Visitor* will find few who will agree with him.

As we have repeatedly said, there is no union stronger than a financial union. If the state uses tax funds for the support of sectarian institutions, it is a union of church and state regardless of the fact that many may close their eyes to it. When civil powers support any church and attempt to direct in the expenditure of the funds, the church is likely to object and feel that the state is meddling. If, on the other hand, the civil authorities fail to direct in the expenditure of public funds, they are remiss in their duties. What some churchmen would like is to receive state aid with no state direction or control. In many lands where monies have been furnished by the state there has been a revulsion of feeling on the part of taxpayers and state officials. Russia and Mexico are shining examples of places where after a long time of state support of the church the state has taken back to itself properties—lands and institutions—which the church had felt were held in perpetuity by it.

H. H. V.

### Freedom of Press Endangered Under Guise of Tolerance

THE NEW YORK *Times* of Sunday, May 25, had this dispatch from Chicago:

"An ordinance providing up to six months' imprisonment or fine up to \$200 for posting or printing of any literature exposing an individual or racial or religious group to hatred or ridicule, 'so as to endanger the public peace' has been passed by the City Council, 41 to 6.

"Alderman B. M. Becker, the sponsor, said the measure was aimed primarily at those circulating letters or handbills designed to encourage race trouble; that he had no intention that it should affect legitimate newspapers and periodicals.

"Several Aldermen protested, however, that the ordinance was unconstitutional and a blow to freedom of speech and the press."

A rash of this kind of ordinance has broken out. Though Congress has repeatedly ignored or refused to pass bills essentially like this Chicago councilmanic measure, many cities have enacted similar local laws. Those that we have seen all strike at freedom of speech and freedom of the press. We wholeheartedly agree with a Chicago *Tribune* editorial, June 11, 1947:

#### "AN UNWISE ORDINANCE

"The Chicago city council recently passed an ordinance, introduced by Ald. Becker [40th], providing fines and imprisonment for any person who prints or circulates any matter that exposes an individual or racial or religious group to hatred or ridicule, or which incites or advocates violence or discrimination against any persons or groups because of their race, color, religion, or manner of worship in such degree as to endanger public peace.

"The Chicago division of the American Civil Liberties union [which is non-Communist] has addressed letters to the members of the council, asking them to reconsider and repeal the ordinance. The Civil Liberties people, conceding the good intentions behind the ordinance, object that it is an unconstitutional violation of the 1st amendment, that it plays into the hands of the very elements it seeks to punish, and that it can be used for the suppression of religious and political minorities.

"It punishes the expression of ideas rather than injurious actions,' they say, 'if the ideas are "such . . . as to endanger the public peace." There is no way to tell when an idea endangers the public peace, unless it leads to a breach of the peace. If it leads to such a breach, the breach itself is already punishable under law. Hence, the ordinance must be intended to punish expressions which do not lead to a breach of the peace but "endanger" it. "Endanger" is not defined in the ordinance.'

"There is nothing we can add in the way of argument to this logical criticism of a well-intentioned but unwise measure."

Petty zealots should read history and learn how

LIBERTY, 1947

hard free speech and a free press were come by. All experience teaches that liberty is hard to get and easy to lose. We have often said in these pages that we have no sympathy with villification of any man because of his race or creed; we scorn those who spend time in raising barriers of bias and prejudice. But we fear far more than these any surrender of basic rights. Abuses may be corrected or punished, but censorship must not be imposed. Liberty must rest upon something besides the whim or caprice of a city council or the cry by someone that he has been laughed at.

H. H. V.

## Church Pronouncements on Political Questions

AT THE 1947 MEETING of the General Assembly of the Presbyterian Church in the United States (South), at Montreat, South Carolina, it was decided to omit from the report of its Committee on Christian Relations all statements concerning Soviet-American relations. A reason given for this was that the church did not feel presently equipped to make a statement on the subject. It was also pointed out that political utterances were not within the province of the church.

It is the latter reason for a church not making a public declaration about Soviet-American relations which attracts our attention and gains our approbation. It is the church's task to foster righteousness, and hence, to oppose sin. It must commend and encourage righteousness, and discourage and condemn evil.

But in doing so the church should not become a gladiator by word or deed in the political arena. Sins are committed in politics. Those sins are a proper target for the church's protests. But there is a line between such legitimate protests and political intrusion and entanglement, which the church should not cross. This line of demarcation may not always be easy to describe, but it exists, and should be recognized. We fear that too many men of the cloth are pulling the church into a course that obliterates this line. The church as a church should keep divorced from politics.

The church's influence in politics and economics and other nonreligious fields should be exerted through its members as individual citizens. Whatever the church, through its spiritual ethics and dynamics, makes of its members, that they will be as citizens. It is the church's task to make of its members, through the divine energies at its call, good people, high in principle and righteous in life. These principles and this righteousness are to be carried over into the economic, social, and political life of the people the church instructs. The Christian citizenry, bettered by

the church, must then set the pace for the ethical life of society and of nations. If the church cannot make of its members this righteous force, no amount of political pronouncement can compensate for its failure.

F. H. Y.

## Federal Council of Churches Misses an Opportunity

WE REGRET DEEPLY that the resolution of the executive committee of the Federal Council of the Churches of Christ in America, dated January 28, 1947, concerning Federal aid to schools, failed to apply to the question of public aid to religious schools the fundamental doctrine of the separation of church and state. The resolution states as the third of the conditions under which the Council can advocate Federal aid to schools, "(c) That federal funds shall be used only for such schools as the constitutions or statutes of the several states make eligible for state support."

It raises a question in our minds when we find a purely *ecclesiastical* organization pressing on so important a matter a purely political formula: that of "states' rights." The political course of "states' rights" is not the concern of LIBERTY, for we are concerned only with *religious* liberty. Why is it the concern of the Federal Council of Churches, a religious body?

But, someone explains, the intent of this stipulation of the Federal Council is that funds of the Federal Government shall be supplied to *religious* schools only when State governments permit public aid to such schools. We agree that this is its intent. But in speaking for only a political formula, we fear the Federal Council is sidestepping. It misses an excellent chance to declare itself a sincere advocate of true religious liberty through the separation of church and state.

It is an eclipse of religious liberty to support a religious institution with public funds. It uses public money for "the establishment of religion," forbidden to Congress in the First Amendment to the Constitution of the United States, and to all governmental divisions and subdivisions in the United States through the First Amendment to the Constitution, and the decision of the Supreme Court of the United States in the case *Murdock v. Pennsylvania*, 319 U.S. 105. It takes public tax money, paid by citizens of one kind of religion or no religion, for public purposes, and allots it to support the private religious enterprises of citizens of different faiths. It prostitutes the use of public funds to an undemocratic emphasis upon religious differences. This becomes the result, whether the public funds be injuriously expended by local, State, or national civil authorities.

We are disappointed that the executive committee of the Federal Council failed to take a definitive position on an important basic principle. The disappointment remains after we have read the Council's statement in the *Bulletin* for April, 1947, which merely states that to grant public aid to parochial schools is to "depart" from "the traditional American policy that public funds not be given for sectarian purposes."

Religious liberty can be safely maintained only through the separation of church and state. This separation is not merely a traditional ideal. It must be a living fact in specific issues. Are we not entitled to definite leadership of the Federal Council of Churches in facing these issues?

F. H. Y.

### **Responsibility Accompanies Power**

A WRITER ON international affairs in one of the great weeklies of the country, in commenting on the way some of our recent allies in Europe look upon us, said this:

"Most nations dislike other nations. The recipients of charity forever dislike their benefactors. Dislike of America ran much deeper. . . . It struck at that point where Americans were serenely sure of their power but pathetically unsure of their historic mission. Americans were just beginning to realize that with the power came chastening responsibilities."

Americans, at least, will believe that a great heritage is ours. In this journal we do not attempt to deal with international affairs, or even with strictly political affairs in our own land. But one of the phrases just quoted applies to many things besides international relationships.

With power always goes responsibility, and with opportunity goes responsibility. With every privilege that we have there goes responsibility, not only to attempt to share with others the good things we enjoy, but above all, to seek to preserve those things.

Thousands upon thousands in America accept without question the fact that a liberty unknown before in the world found fruition in an infant nation that has since grown to be a mighty power in world affairs. Those men who founded our Government had studied carefully every form of political organization that the world had previously known, and they "brought forth on this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal." The rights of the individual held first place in their thinking. It is clear that they sought to provide proper safeguards and protections for each and all. Since their day millions have come to our shores, drawn by the promise of freedom. Not

all have realized how great a responsibility goes with naturalization. Neither have all native-born sons and daughters of America recognized the duty that is a part of their birthright. The opportunities, the privileges, the liberty Americans enjoy, call, in return, for loyal service and deep devotion. They cost too much in blood and suffering to be lightly esteemed. We are unworthy of our inheritance if we prize it less than life itself.

No one can escape, nor transfer to another, the "chastening responsibilities" that are a part of our freedom.

H. H. V.

### **The Distinction Between Church Education and State Education**

WHEN THE STATE establishes a public school, and requires, as is the case in this country, the attendance of all children who are not being educated adequately in some other kind of school, it is up to the state to furnish what it takes to educate the children. This includes buildings, equipment, and teachers. The state has also lately assumed the responsibility of caring for the health and, to an extent, the feeding of the children who are enrolled, and in many places even of assisting them to attend by providing transportation to the schools. The costs of these services are provided out of the public funds furnished by the whole body of citizens for the specific purpose of public education.

The difference between this public service of education and that furnished by the parochial school is very clear cut and definite, and must be kept so by clear, unbiased thinking and public statement on the subject.

When a church establishes a parochial school and invites or requires parents who are its communicants to send their children to receive the particular kind of religious instruction which that church has to give, the church assumes the responsibility of housing its educational institution at its own costs, of equipping and manning it at its own costs, of providing whatever is required for the physical as well as the psychological and spiritual benefit of its pupils at its own costs, and if it wishes to aid the children to attend, it must do that at its own costs.

The fundamental difference lies in where the children are going to be educated, by whom, and with what objectives and purposes. If the education of a given group of children is by the church and for its purposes, the church alone must pay the bill. If by the state, and for the development of effective citizenship in society, the state must pay the bill.

Let us keep this matter clear, in spite of all the confusion of thinking and statement resulting from ecclesiastical mendicancy and hierarchical subterfuge.

LIBERTY, 1947



The distinctions and issues are really very simple. Let us keep them simple. Either civil government is to become involved with religion, or it is not. The answer is, and must continue to be, It is not. F. H. Y.

### **Church Schools Cannot Be "Public Schools"**

WE HEAR AGAIN and again from Roman Catholic quarters that parochial schools should be accorded public financial support, and because they are "saving the state" large sums, should be recognized as rendering a public service.

This cannot be if the parochial system is to belong to the church. We would warn those who put forth this argument that if parochial schools are rendering public service, and are to receive public support, then they are public schools, and not church schools.

In that case they must be handled as public institutions. The expenditure of public funds granted them must be supervised by public officials, and due account rendered. The curriculums, including courses in religion, must be arranged and enforced by state authorities. The teachers must be employed and supervised by the civil authority furnishing the means.

Obviously a religious school system declared a public service, and financed and supervised as such, must cease to be a church educational system. The alternative is for the church to control the state which is supplying the funds.

We believe that even while educators in the Roman Catholic system are demanding recognition of their school system as a public service, they have weighed the alternatives, and are prepared to meet their implications.

F. H. Y.

### **Wisconsin Legislator Attempts to Legalize Transportation of Parochial School Pupils**

THE PERSISTENCE of those who are seeking state aid for sectarian schools could be admired if it were shown in a good cause. It can hardly command respect in its present demonstration.

Our readers will remember that on November 5 last the voters of Wisconsin in a State-wide referendum voted against furnishing public school bus transportation to nonpublic school children by a majority of over 100,000 votes.

On March 25, 1947, Mr. O'Connell introduced the following bill in the Assembly of Wisconsin:

"The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

FOURTH QUARTER

"40.34 (8) of the statutes is created to read:

"40.34 (8) The provisions of this section extend and apply to the transportation of pupils to and from schools other than public as well as to public schools provided such other schools are not operated for profit, in whole or in part."

A correspondent in Madison, Wisconsin, reports:

"When this bill came up for committee hearing on April 23, the combined opposition of the Protestant clergy of Madison appeared against it. Even its author did not appear at the hearing.

"According to the bulletin of proceedings of the Wisconsin Legislature the Committee on Education on May 1 recommended 'indefinite postponement.' On May 6 the bill was referred to the Committee on Transportation, but on May 22 it was 'recalled from Committee on Transportation and returned to author.'"

After the people had spoken so decisively, there was no excuse for a legislator to try to thwart their will. Doubtless the decision of the United States Supreme Court in the New Jersey school bus case prompted the attempt to override the referendum's mandate. We hope that "indefinite postponement" means final death.

H. H. V.

### **Adventists Oppose Free Transportation of Parochial School Pupils**

AT A MEETING of the executive committee of the General Conference of Seventh-day Adventists, to which had been invited all of that church's conference presidents in the United States, the denominational position on the use of public school busses for transporting pupils to sectarian schools was stated thus:

"WHEREAS, The question of transporting parochial school pupils free of charge on public busses is being widely discussed in view of the five-to-four decision of the United States Supreme Court, on February 10, 1947, in the New Jersey school bus case, *Everson vs. the Board of Education of the Township of Ewing, et al., . . .*

"Resolved, That we reaffirm our belief that for pupils to ride free of charge to and from Seventh-day Adventist schools in public busses is in principle contrary to the historic position of the Seventh-day Adventist Church, that church and state be kept separate, as indicated by our Lord when He said, 'Render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's' (Matt. 22:21); and further

"We recommend, That because of the principles concerned Seventh-day Adventists do not use busses which are operated at public expense, for the free

transportation of their children to and from our church schools."

The Adventists operate over nine hundred day schools, mostly of elementary grades, and would benefit by free transportation for their pupils. But they are opposed in principle to the use of tax funds for the benefit of any church or its institutions. In their protests against such use of public funds they come with clean hands.

Referring to the action cited, one editor commented thus:

"Cynics who contend that self-interest is the primary motivation for all stands taken toward public issues find their thesis disproved by an action taken by the Seventh-Day Adventists."

Evidently consistency is not dead everywhere.

H. H. V.

## Released Time in San Diego

SOME TIME AGO the Baltimore Board of School Commissioners refused a petition for a program of released-time religious education. We gave a full account of this in *LIBERTY* (Third Quarter, 1947).

Across the continent in San Diego, California, the question of released time has also been considered. In the *Superintendent's Bulletin* of May 23, 1947, is the report of an action taken by the board of education at a meeting held on May 13:

"After nearly a year's trial of 'Released time for religious education' in ten schools, a thorough survey and careful appraisal of the operation and results has been made on behalf of the Board of Education; the sponsors of the program have made and presented their evaluation; some hundreds of letters, both for and against, have been received; a public hearing has been accorded for open discussion of the subject; and the Board has seriously and fully considered the matter and now states its position as follows:

"1. The Board of Education represents all the people and is charged with the responsibility of conducting the schools for the best interests of all the people and of all the children.

"2. The Board of Education and the individual members thereof, believe wholeheartedly in the necessity for spiritual and religious training in the development of good moral character and citizenship.

"3. The development of the spiritual, moral, intellectual and physical faculties of our children is the joint and common responsibility of home, church and school.

"4. The schools of San Diego are considered outstanding among school systems for their program of character education.

"5. Religious training is the special and particular sphere of the church.

"6. Cooperation between home, church and school is necessary to the greatest effectiveness of the work of each and all.

"7. In the past 25 or 30 years, the scope and amount of material which the schools are required to teach has been doubled and trebled, but not one minute has been added to the school day.

"8. The year's trial of 'Released time for religious education' has demonstrated that the program interferes with the progress of school work during the entire day, increases the work of principals and teachers, and results in certain confusion and loss of time to all children in the grade, both those who are released and those who remain. The evidence does not show growth of character or desirable behavior beyond that of the children who did not participate in the released time program. The results do not justify a continuation or extension of the plan.

"9. The request for a continuation of the 'Released time program' falls far short of having the support of all the people or even of all the churches or church people.

"THEREFORE, RESOLVED that we deny the request for further continuance of 'Released time for religious education' in the San Diego City Schools;

"RESOLVED that we urge the homes and the churches to continue and increase their efforts in spiritual and moral training in their respective spheres;

"RESOLVED that we pledge the Board of Education and the schools to continue, in the future as in the past, to stress by every means at our disposal, the teaching of moral and spiritual principles, and character training; and,

"RESOLVED, FURTHER, that we pledge earnest cooperation with all worthy plans for religious instruction outside of school time."

The Most Reverend Charles F. Buddy, bishop of the Catholic diocese of San Diego, wrote an open letter to the board of education severely criticizing the members of the board. We cannot give space to the whole letter, but the first and last paragraphs will show the depths of the bishop's feeling:

"Your ill-advised decision in rejecting the release time petition requested by the majority of parents is another victory for the atheistic Kremlin and its brutal Communistic doctrine, which rates the child as a mere creature of the State. Obviously, shallow thinking and unbelief are largely responsible for your action. Moreover, the arguments fabricated to defend your 4-to-1 vote are puerile—sheer nonsense—offensive to intelligent people. . . .

"You, therefore, with one exception, convict yourselves of incompetence, and total disregard for the

present and future welfare of the children. Because San Diego deserves an intelligent School Board and because public officials are expected to represent the will of the majority, it will serve the best interests of this community for you to resign."

It appears to us that the bishop's statement contains more heat than light. It reflects an all-too-common human trait of abusing those who do not agree with us. We have no way of knowing at this distance what the majority of the people of San Diego want with respect to released time, but there have been sent to us copies of some letters which appeared in the San Diego *Union Tribune*, and it is evident that there was considerable opposition to the continuance of the plan. Observation leads us to the conclusion that public officials generally are not unmindful of the wishes of citizens.

We are sure that there is no way for the public school to do what the churches and the home fail to do. An hour of released time from the public schools for the children will not and cannot give the religious instruction that is necessary for sound morality.

H. H. V.

### Religious Garb in Public Schools Again

THE RELIGIOUS NEWS SERVICE informs us under date of February 10, 1947, that "North Dakota legislators heaved a sigh of relief when a bill designed to prohibit Catholic nuns from teaching in public schools—as they are doing in a few school districts because of the teacher shortage—was withdrawn the day after it was introduced."

We do not share in this sigh of relief. Rather, we deplore the fact that seeming necessity—we hope, not expediency—has brought about the withdrawal of this bill.

The fact is that the wearing of religious garb is a religious act, in certain religious communions, and is required, in some cases of all communicants, in some cases only of those who are in places of professional responsibility in the church concerned. If those thus placed were to refuse to wear the garb they would be disciplined. This is the situation in the Roman Catholic Church, and is the case with nuns of that church.

Therefore, when nuns wear the religious garb they are performing a religious act peculiar to their church. When they appear as teachers in public schools, paid from tax funds furnished by people of all faiths or no faith, the public school becomes a place for the parade of a unique act of religion, and the minds of the public school pupils are conditioned to the reception of other unique features of Roman Catholic faith and practice.

FOURTH QUARTER

That this is clearly a favoring of a church by the state through the repeated prominence given to a particular faith through the close daily proximity of a public schoolroom must be obvious to the most superficial observer. We hope that the legislature of the sovereign State of North Dakota will take steps to prohibit by law such uniting of state with church.

This issue is only one of a number which are involving our public schools, and the State and national governments which are concerned with them in controversies jeopardizing the separation of church and state and the religious liberty which is impossible without such separation. This also must be said, frankly but without prejudice: In most of these controversies the Roman Catholic Church is a party, asking for financial aid for its own schools, and claiming for them other benefits from the state which are not the due of schools maintained by religious bodies.

F. H. Y.

### War Surpluses to Parochial Schools in Pennsylvania

THE WILKES-BARRE (PENNSYLVANIA) *Record* of May 16, 1947, had this news item:

"Public, private and parochial schools in Luzerne County will receive 20 tons of costly electrical, telephone, radar, and radio equipment within the next two months, O. M. Wintermute, county director of Federal surplus materials, disclosed yesterday afternoon.

"Wintermute made the announcement after meeting with 50 educational institution representatives in Kingston High School. E. S. Teter, county superintendent of schools, served as chairman.

"The Federal Government has granted \$4,500,000 of this type equipment to Pennsylvania, Wintermute said, and Luzerne County's share was set at 20 tons. Lackawanna County will receive 15 tons, he said.

"At the meeting in Kingston High School, it was decided the equipment, valuable for instruction in physics, electrical and general vocational subjects, will be divided to Luzerne County schools on a number of schools and student population basis.

"The only cost to the recipients, Wintermute said, will be the actual charge for shipment from Indian-town Gap depot storage and the cost incurred by the Commonwealth in bringing it to Indian-town Gap.

"The county surplus director estimated that the total cost, including carting and storage, will not exceed 10 cents a pound."

The Constitution of Pennsylvania, Article X, Section 2, says: "No money raised for the support of the public schools of the Commonwealth shall be appropri-



ated to or used for the support of any sectarian school."

But what is offered here was not purchased by funds "raised for the support of the public schools" of Pennsylvania. It was purchased by and for the Federal Government, presumably for the armed forces.

It could be argued that the Pennsylvania Constitution is not being violated. However, a great principle is being transgressed. The monies originally used to purchase the materials mentioned were tax funds collected from all the people. The fact that the goods have been declared surplus does not alter that.

It seems a poor procedure to allow the Federal Government to do in a State what the State's constitution forbids its officers to do. Is the "county director of Federal surplus materials" above the constitution of his own State?

Is it right to give tax funds to sectarian institutions indirectly when it is wrong to give them by direct appropriation?

If the gifts of materials go unchallenged, they will soon be used as arguments for gifts of money.

H. H. V.

## Basic Freedom

**A** MAN WHO IS not free to practice his religion, to propagate it and to discuss it, cannot be really free at all. He may be at liberty to wander about wherever he pleases and to change his work as often as he likes, but if he is not free to be religious in the way that he believes to be right, he is not a free man in spirit and mind. The source of all other freedoms has been dried up. Then it is not at all surprising that the struggle for political freedom has been bound up with the struggle for religious freedom. How often, for example, we forget that our liberty in this country was largely the result of the work of men who desired above everything else to worship God in accordance with their conscience."—DR. W. R. MATTHEWS, Dean of St. Paul's, in "The Spiritual Issues of the War." Number 277.

In the plans for peace that are being discussed by statesmen the world around there is much talk of guaranteeing freedom from want and freedom from fear. Unhappily, we do not hear so much about freedom of religion. If leaders in government would review the history of the world's wars, they might be surprised to find how many of them had some sort of religious basis. Since religion is of most vital concern, it is perfectly natural for man to fight the hardest for its preservation. It is not too much to believe that if the nations of earth should agree to guarantee to every man complete religious liberty, one of the most fruitful causes of war would be removed.

H. H. V.

## War Surplus Property for the Church?

**T**HE ACCEPTANCE, as a gift of government, of property offered as surplus from war is proving a temptation and stumbling block to religious societies and institutions which should know better. Some of them, knowing better, are turning longing eyes upon this peculiar form of government support.

It is bad to look with longing eyes at tempting things. We were taught in our boyhood days not to spend time gazing longingly at the forbidden cookie jar. The hand, we were warned, followed the eye too readily, and made of temptation a trespass.

We wish our friends would not gaze so longingly at the cookie jar of free government surpluses. But some are doing more than gazing. Brethren in various organizations which have long advocated religious liberty and a wise independence of the church through separation from the state, acknowledge accepting for their institutions gifts of government surpluses.

We fancy that we can at this point hear a chuckle, perhaps a bit cynical, perhaps a bit worldly wise, with the defense: "Shan't we take whatever we can get, from whoever will give it, if the giver has no scruples?" Or, we hear, or perhaps only imagine, an outraged bellow of pious wrath: "What's the matter now? Shall not the church benefit in its glorious work by the gifts that come to it?" Do we hear a faint echo from this: "The end justifies the means"?

The answer to both the worldly wise and the piously wrathful in respect to free gifts of government to religion is "Nothing doing." In none of its powers or agencies should government support religion. To accept surplus war property for religious institutions is to accept government support for religion. It does not matter that the aid is not continuous. Once the aid is granted and accepted, that principle is violated under the application of which the church is kept independent of state control. This principle was laid down by Jesus when He said, "Render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's" (Matt. 22:21), and was illuminated by the apostle Peter when he said, "We ought to obey God rather than men" (Acts 5:29). That which begins in the acceptance of gifts of government can easily end in submission to control.

Human relationships are regulated by precedents, which we dignify by the terms "custom" and "law." We are here discussing the setting up of a precedent. The time to stop dependence of a church upon the state is before it begins, even in so "innocent-looking" a matter as the acceptance by the church of the gifts of government dispensed as war surplus property.

If you want what the government has, brethren, put the cash on the barrelhead.

F. H. Y.

## MY DAY

### High Court Ruling Seems to Change Freedom of Worship

By ELEANOR ROOSEVELT

"CAMPOBELLO ISLAND, N.B., Thursday—I have been sent an article answering the criticism which was made by the Northern Baptist Convention in regard to a recent decision of the Supreme Court.

"By a decision of 5 to 4, the court validated the use of tax funds by the state of New Jersey to reimburse parents for bus transportation paid them for conveying their children to a religious school, notwithstanding the fact that New Jersey provides free public schools for the use of all of its children and free transportation thereto.

"The point of the article, as I understand it, is that neither this group nor any other group should question a decision handed down by the Supreme Court. It is perfectly obvious, of course, that such a decision is the law of the land as long as it stands. But the Supreme Court has been known to reverse itself. Reversals have been brought about by new cases and new arguments, or sometimes, by a change in justices.

"After all, tho the Supreme Court is made up of learned lawyers and patriotic citizens, its members are still subject to human failings, like all human beings. And when a decision is as close as 5 to 4, it seems to me that the citizens of the United States have a right to think it over carefully and decide whether they agree with it or not. If they do not agree with it, then they should certainly bring the weight of public opinion to bear upon future legislation which might cause a change of mind in the Supreme Court.

"I believe in freedom of conscience and freedom of religious belief, but I do not advocate a change in our old-time theory of division between church and state. We have a right to send our children to private schools or religious schools of any denomination. But such schools should be on an entirely different basis from the public schools which are free to all children.

"Making any religious school the same as our public schools seems to me to change our fundamental idea of the right to worship as we choose, and the right of our children to receive free education without interference with their religious beliefs. I have been somewhat troubled lately as to whether this old safeguard is slipping away and might lead to a point where there would be bad feeling between religious groups in our country. That is something which we wish to avoid, if possible."—Reprinted by Permission of United Feature Syndicate, Inc.



ADAPTED FROM PAINTING BY EDWIN H. BLASHFIELD

As the Freedom Train Visits Many of the Cities of the Nation During the Coming Year, Our Attention Will Be Called Anew to the Struggles of the American People for Civil and Religious Freedom

## NEWS and COMMENT

### A Principle Well Expressed

**W**ILMAR T. THORKELSEN, who writes from Minneapolis to the *Christian Century*, under the general heading "News of the Christian World," reports that at "the Minneapolis Town Meeting," R. J. Con-nole, superintendent of schools for the St. Paul Roman Catholic archdiocese, said that "'most' Catholics oppose" the use of public funds to aid parochial schools "because public aid for parochial schools would be detrimental both to the parochial schools and to democracy."

This gentleman has exactly stated our position.

### Kennett Square, Penn., Case to U.S. Supreme Court?

**P**AUL CONNELL's suit against the school directors of the Township of Kennett, Chester County, Pennsylvania, to compel them to transport his daughter to St. Patrick's parochial school, which was decided in favor of the Board of School Directors and which decision was confirmed by the Supreme Court of the State of Pennsylvania, enters a new phase. What we said in the closing paragraph of our report last quarter has come true. We hazarded a guess that this case would be appealed to the Supreme Court of the United States. The Deputy Prothonotary of the Supreme Court of Pennsylvania has furnished us a copy of Chief Justice Maxey's permission for allowing an appeal to the Supreme Court. Whether our highest tribunal will admit appeal has not been decided as we go to press. We hope it does.

### Name of God in a School Pledge

**A**CCORDING TO the Bexley (Ohio) *Herald* of June 27, 1947, the House and Senate of the State legislature passed without a dissenting vote a resolution urging the State superintendent of public instruction to have all public school teachers in all classrooms lead their pupils each day in the following:

"I pledge allegiance to the flag of the United States of America and to the republic for which it stands; one nation, indivisible, with liberty and justice for all. I shall uphold all lawful civil authority, honor and obey my parents and teachers and respect the dignity of every person. I promise to keep my life morally

clean and to live honorably so that I may merit the respect of my fellowmen and the approval of God, the Supreme Judge of my conduct."

It is reported that some citizens objected strenuously to the last sentence because an appeal is made to God. Apparently there is to be no penalty for failing to take the pledge either on the part of the teachers or pupils, and there is no evident indication of trying to teach religion.

### Ocean City, N.J., Arrests Merchants for Sunday Law Violations

**A** DISPATCH FROM Ocean City, New Jersey, of August 5, 1947, tells of the arrest of three retail merchants on charges of doing business on Sunday. It further says, "The arrests came as the Ocean City Tabernacle Association launched the prosecution phase of a campaign to enforce the closed Sabbath restriction."

The men arrested were food merchants and were charged with violating City Ordinance 110, which provides penalties for infractions of closed Sunday restrictions contained in the property deeds of the city. A minister and four others had the warrants for the arrests sworn out, and the preacher said, "The association obtained evidence of Sunday sales by the employment of special investigators," adding that "this independent policing job was undertaken because the city police department hasn't the personnel to do it thoroughly."

Were not the investigators breaking the "Sabbath law" a little? Maybe they were working on the principle that it is right to do wrong that good may come of it.

It should be noted that the report refers to the "closed Sabbath." We still cling to the old-fashioned idea that it is better for the church to look after its own affairs than to call on the state to enforce somebody's idea about religion.

### Shreveport, La., Repeals Local Sunday Law

**T**HE SHREVEPORT (La.) *Journal* of July 8, 1947, reports: "Shreveport's Sunday closing law, subject of a controversy since its rigid enforcement was begun about six weeks ago, was wiped off the



books by an ordinance unanimously approved on first reading by the city council Tuesday morning. Repeal of the closing law will not become effective, however, until it is approved on second and final readings at the next regular session of the city council July 22."

The mayor expressed respect for those who favored a continuation of the law and said he would like to see all men rest from their labors on the "Sabbath." However, he found some difficulties in attempting to enforce a religious law by civil statute, saying:

"For a long time law-makers have tried earnestly to find a law that would justly and equitably draw a line between the things that should be sold and the things that should not be sold on Sunday. Laws prohibiting sales on Sundays have always excepted certain articles. Herein lies the main trouble. It is difficult to differentiate between the sale of aspirin and the sale of tooth paste. It is hard to say that it is lawful for a boy to get up at 4 o'clock in the morning, sometimes in the rain, sleet and snow, carry a heavy bag of Sunday papers to be delivered at your door, and at the same time to say that after he has delivered his papers that it is unlawful for him to buy a loaf of bread for his breakfast.

"It is hard to recognize that it is lawful for the cafes and restaurants to remain open all day Sunday to serve the people who throng their places of business and at the same time to say that it is unlawful for a curb market to sell a bottle of milk and a loaf of bread to someone who does not have the price of a meal at the better places. It is hard to say that a drug store can sell bread and curb markets can not. Under the present law we make fish of one and fowl of the other. Like comparisons can be made almost without limit."

Sunday laws are essentially religious laws. Religion cannot be successfully propagated by force. Those who desire to see Sunday carefully observed as a religious day of rest should confine their efforts to education and moral suasion. Only thus can real success for their plans be obtained.

### **School Bus Issue in New Jersey Constitutional Convention**

THE PEOPLE OF New Jersey have elected delegates to a convention for the purpose of drafting a new constitution for the State. We understand that this convention is now in session. The Taxation Committee is considering a proposal submitted by one of the delegates which would authorize the legislature to appropriate public tax funds to provide free bus transportation for students attending *all* schools.

This is being opposed by some of the citizens. Representatives of two organizations—the New Jersey Taxpayers' Committee and the State Council of Chris-

tian Churches—are among those who have appeared in opposition to the proposal because it would mean the use of public funds for the transportation of children to private and parochial schools.

We shall be greatly interested in watching developments. We sincerely hope that New Jersey will not allow itself to be bound by a constitutional provision that can only be interpreted as a union of church and state.

### **Universalists Reaffirm Belief in Separation of Church and State**

AT A MEETING held in Oak Park, Illinois, on May 16, the Illinois Universalist Convention adopted the following:

"That this Convention reaffirm its traditional belief in the complete separation of Church and State as essential to true democracy and religion. Therefore, be it resolved, that we oppose the following practices: distribution of Bibles and other religious literature in the public schools, the sale of religious literature as a fund-raising device in the public schools, released time religious education, or any other practice which permits sectarian religious teaching in the public schools, and, further, that we oppose any financial support by the state towards sectarian religious teaching or to any except public, tax-supported schools."

### **New York Village Asks Enforcement of Sunday Laws**

THE WELLSVILLE (New York) *Daily Reporter* of June 10, 1947, had this item:

"A group of seven independent retail grocers last night petitioned the Board of Village Trustees to enforce a state law which they claim makes the general sale of groceries illegal after 10 A.M. on Sundays.

"Local grocers who signed the petition are: Bernard H. Sweet, Joseph A. Serio, Frederick Ebeling, Edgar C. King, Edward Fredrick, Otto A. Bierman, Ross O. Sweet.

"The petition charged that Section 2147 of the Penal Law of the State of New York makes the general sale of groceries illegal after 10 A.M. on Sundays.

"Trustees were asked to notify all local grocers of the law and after notice has been given to prosecute violators."

If selling a few groceries on Sunday is a violation of the State law in the Empire State, what must be said about some of the things that are done in the metropolis? Religious laws are strange things in the matter of enforcement at least.

## School Bus Issue in Maine

**D**URING THE LAST SESSION of the Maine Legislature a bill was introduced to provide for the hauling of parochial school children in public school busses. A letter received from the Honorable Carl J. Broggi of Sanford, Maine, gives this information concerning the measure:

"As originally introduced, the bill was a mandatory bill giving parochial school students the same transportation privileges as public school students. The Education Committee were unanimous in opposition to the bill as written. The bill was rewritten making the matter strictly 'permissive,' leaving the permissive angle entirely up to local school committees and specifying 'established bus routes.' The bill as rewritten . . . passed the house and was defeated in the Senate—thus dying."

Good for Maine.

## Images in Public Buildings in Brazil

**I**T IS REPORTED from Brazil that attempts are being made to set up images of the Virgin Mary in public buildings such as schools, colleges, and the offices of the national government. Roman Catholics are reported to "have announced their purpose to set up such images wherever the national flag is regularly placed and to conduct services of worship at such places."

In the United States, Catholic leaders repeatedly assert that they do not believe in a union of church and state. Maybe they could help their South American brethren a little to see that putting religious images in governmental buildings seems to come dangerously close to such a union.

We lean to the opinion that careful living on the part of professed Christians is likely to accomplish more than any kind of ritualism or the multiplication of religious symbols.

## Catholic School on a Military Reservation

**T**HE *Times-Herald*, Washington, D.C., July 20, 1947, had this:

"Troops and civilians stationed at nearby Fort Belvoir this autumn will participate in a novel educational program if plans materialize for the establishment of a branch of Catholic university on the military reservation, it was revealed yesterday."

We agree wholeheartedly that this is "a novel educational program." It is something new when a branch of any sectarian university is established on a United States Army reservation. Even if no religious subjects

are taught, the effect of the experiment would be to benefit the particular religious school at the expense of others.

The reasoning of the Georgia Supreme Court in the case of *Bennett vs. City of La Grange, et al.* (LIBERTY, First Quarter, 1947) is sound, and the conclusions reached are incontrovertible. Denying that public funds could be appropriated to the Salvation Army even for the care of the poor and needy in La Grange, the Court said:

"The fact that the Salvation Army undertakes to reform the working classes, to reclaim the vicious, criminal, dissolute, and degraded, to visit the poor, lowly, and sick . . . does not free it from being a sectarian institution. Being such, no money can be taken, directly or indirectly, from the public treasury, to aid it in these benevolent objects and purposes."

The fact that Catholic University offers certain instruction on a military reservation does not free it from being a sectarian institution. Nor does the fact that apparently no religious instruction is to be given on the grounds of Fort Belvoir lessen the influence that this religious school would indirectly exert upon the students.

In the case cited above the Court further said, "The giving of loaves and fishes is a powerful instrumentality in the successful prosecution of the work of a sectarian institution."

Just as truly would the earnest, considerate work of the teachers from Catholic University constitute a "powerful instrumentality in the successful prosecution of the work of a sectarian institution."

## "Religion Taught Troops"

**T**HE NEW YORK *Times* of July 26, 1947, carried the following dispatch from Fort Dix, New Jersey:

"The teaching of nonsectarian religious principles has been integrated into the curriculum for troops at Fort Dix, one of the nation's four training centers, and the results have been gratifying, the post chaplain's office reported today.

"Chaplains are giving a series of lectures on morality and citizenship based on religion, and attendance of the trainees is compulsory. The program was initiated by the War Department 'as a means of educating the American soldier to an improved life of morality and character as the foundation of citizenship and patriotism,' the report said.

"The plan was tried out at the Universal Military Training School at Fort Knox, Ky., and was so successful the Army made it an adjunct to traditional troop training methods. One result was an increase of 45 to 75 per cent in church attendance."

LIBERTY, 1947

The heading given this dispatch is "Religion Taught Troops." A careful reading hardly proves that it is religious training, though the "morality and citizenship" lectures are "based on religion."

Maybe our Government chaplains can teach "morality" which is "based on religion" without teaching religion; we wouldn't know. But if this is a religious course and a "compulsory" one at that, it is time to call a halt. The idea of the Government hiring and paying chaplains is bad enough without having these ministers of religion foster *compulsory* religious courses.

Commenting on the work done at Fort Knox along similar lines, a writer in the *Christian Century* said, "They [trainees] avail themselves of educational and avocational opportunities, consider the special code of conduct fair and desirable and approve of the U.M.T. emphasis on religion and morality," and later quotes one of the advisory committee, a minister, as saying, "U.M.T. affords teen-agers the best religious program I've ever seen, either in or outside the church."

It is not very flattering to the churches to have the Army give a better "religious program" than churches can give.

## U.S. Supreme Court to Hear McCollum Case

IN PAST ISSUES we have commented on the suit of Mrs. Vashti McCollum in the Illinois Sixth Circuit Court which she had brought to prevent the teaching of Bible classes in the Champaign, Illinois, schools. This suit she lost.

In January last the State Supreme Court of Illinois unanimously rejected Mrs. McCollum's appeal from the lower court's decision. On June 2 the Supreme Court of the United States announced that an appeal from the Illinois Supreme Court opinion would be considered.

Our ideas on this whole matter are pretty well expressed in an editorial entitled "Separation of Church and State," which appeared in the *Montgomery (Ala.) Advertiser*, June 5, last:

"The United States Supreme Court some months ago upheld the use of tax money for transportation of children to schools other than public schools in those states where such use is not expressly forbidden. Last Monday the Court announced that soon it will rule on the matter of 'religious instruction' in tax-supported public schools. The suit was brought in Illinois by the wife of a university professor.

"The decision, should it hold that 'religious instruction' as such in public schools is constitutional, will be of utmost gravity in a nation founded on the prin-

FOURTH QUARTER

ciple of separation of church and state. Such a Court ruling might well be the beginning of the end for public education as we have known it in the United States.

"With the way already clear in many states for use of tax money to transport children to church schools, there is no logical end to the uses for which public funds can be demanded and secured for non-public schools. Transportation is only one essential phase of our educational program. If it is possible to use public monies for this one phase of education in non-public schools, it is also possible to use public funds for other needs in non-public schools. Thus the state might be obligated ultimately to assume full financial responsibility for maintaining all private, church and parochial schools.

"Should the Court now rule that 'religious education' is a proper function of the traditional American public school, there will then be no fundamental difference between our public schools and various church schools, except the difference as to administrative agency. Then sooner or later the state will be forced to abdicate the field of education to non-public agencies, retaining only the function of tax-gatherer for a church-administered system of education; or else we shall be forced to take over and integrate our church and public schools. In either case the result would be a virtual merger of church and state.

"The incomprehensible thing about this crisis in American education is the apparent blindness of some of our religious leaders, and of our people in general, to its revolutionary implications. It would seem axiomatic that the best guarantee of religious freedom in this country is the absolute separation of church and state. Every American, regardless of creed, cult, or religious persuasion, should oppose by every means at his command any intrusion by either church or state into the field of the other, however innocuous the initial intrusion may appear to be at first."

## Released Time in Hawaii

THE HONOLULU *Advertiser* of June 27, 1947, reported that the "Territorial commissioners of public instruction" "voted that from now on, all religious organizations providing religious education in public schools shall confine such instruction to only one day in the week and all such classes may be held only during the last class period of the day.

"No religious education may be given in public classrooms during regular school hours, and religious instructors are required to provide their own classroom facilities, it was decided."

It is not clear exactly what the last sentence means, since the next paragraph says:



"Religious organizations desiring use of government school buildings for religious instruction may use such facilities only after school has closed during the day, the commissioners agreed."

In the past, religious classes have been staggered during the day so that one instructor could work in a number of schools in one day.

The protests against the board's action were very vigorous. Among other things a petition with sixteen thousand signatures was presented to it. But the chairman of the board is quoted as saying:

"No public hearing is planned by the commissioners of public instruction on protests by religious organizations against a policy of the commissioners restricting religious education in public schools to one hour per week."

The pressure must have been great, for he finally announced that a special meeting would be held on the 24th.

The *Advertiser* on the 23d carried an item reporting the receipt by the territorial governor of petitions with sixteen thousand signatures, and said that he had indicated that he might make a recommendation on the question after he had received a report from the commissioners. The governor said, among other things, "that the United States, a Christian nation, has always stressed training in religion but that there has been a sharp delineation between church and state."

We wish we had more information concerning what has been going on in Hawaii. Most church bodies on the mainland that have favored teaching religion in the public schools have asked for only one hour a week at the close of a regular school day. Apparently Hawaiian schools have been pretty much in the hands of the churches. We have always felt that the danger in released time lies in the fact that those who foster it often frankly admit that what they really want is teaching of religion as a part of the schools' regular curriculums.

### **Rules Against Free Transportation for Parochial Students in Minnesota**

**ST. PAUL, MINN.**—A Minnesota school district has been advised that there is no legal authority to provide free transportation for parochial school students in public school busses, even though no additional cost is involved.

The opinion was given by Minnesota's Attorney General J. A. A. Burnquist after the question was raised in behalf of the school board at Birchwood, Minnesota, where a group of residents is seeking such transportation.

As a result of the opinion, some Birchwood resi-

dents are discussing the possibility of a test court case. They are encouraged by the recent 5-4 United States Supreme Court decision upholding the use of public funds to transport parochial school students in New Jersey and by advice from leading attorneys in St. Paul and Minneapolis.

In his opinion Burnquist referred back to opinions given by his office in 1944 and 1919. The 1919 opinion, on the question of providing transportation for private school children taking special courses in a public school, held:

"Not only is there no duty imposed upon the board to provide transportation facilities to the children in question but the board is powerless to furnish the same, even though it might see fit to do so."—Religious News Service, Aug. 15, 1947.

### **The Name of God in the Constitution**

**AN ORGANIZATION** with headquarters in Topeka, Kansas, and known as the Christian Amendment Movement sent out a news release under date of July 25, 1947, reporting the introduction of bills in the Senate and House which would provide for a change in the Preamble of the Constitution of the United States. The Senate Resolution follows:

"Section 1. The Preamble of this Constitution shall hereafter read: 'We, the People of the United States, devoutly recognizing the authority and law of Jesus Christ, the Saviour and King of Nations, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, and provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain, and establish this Constitution for the United States of America.'"

"Sec. 2. This article shall not be interpreted as abridging the present rights of religious freedom, freedom of speech and press, and peaceful assemblage, guaranteed by the first article of amendment to this Constitution.

"Sec. 3. The Congress shall have power, in such cases as it may deem proper, to provide a modified oath or affirmation for citizens whose religious scruples prevent them from giving unqualified allegiance to the Constitution as herein amended."

The idea of this amendment is not a new one. Agitation for such a thing has been carried on by some over a long period. We think the authority and law of Jesus Christ do not need recognition in civil statutes. We believe that His power will not be increased for the upbuilding of His kingdom by mixing church and state in this fashion.

One petition from representatives of the National Reform Association to Congress to have the name of

God incorporated in the Constitution and to have special recognition given to the Christian religion, was answered thus:

"The Committee on the Judiciary, to whom was referred the petition of E. G. Goulet and others, asking Congress for 'an acknowledgment of Almighty God and the Christian religion' in the Constitution of the United States, having considered the matter referred to them, respectfully pray leave to report:

"That, upon examination even of the meager debates by the fathers of the Republic in the convention which framed the Constitution, they find that the subject of this memorial was most fully and carefully considered, and then, in that convention, decided, after grave deliberation, to which the subject was entitled, that, as this country, the foundation of whose government they were then laying, was to be the home of the oppressed of all nations of the earth, whether Christian or pagan, and in full realization of the dangers which the union between church and state had imposed upon so many nations of the Old World, with great unanimity that it was inexpedient to put anything into the Constitution or frame of government which might be construed to be a reference to any religious creed or doctrine.

"And they further find that this decision was accepted by our Christian fathers with such great unanimity that in the amendments which were afterward proposed in order to make the Constitution more acceptable to the nation, none has ever been proposed to the States by which this wise determination of the fathers has been attempted to be changed. Wherefore, your committee report that it is inexpedient to legislate upon the subject of the above memorial, and ask that they be discharged from the further consideration thereof, and that this report, together with the petition, be laid upon the table."—*House Reports*, vol. 1, 43d Congress, 1st session, report no. 143.

### **"A Free Church Beside a Free State in a Free Society"**

IN ADDRESSING the delegates to the International Convention of the Disciples of Christ held recently in Buffalo, New York, Dr. Charles Clayton Morrison, former editor of the *Christian Century*, is reported to have said:

"The church is the organized institution of religion, just as the state is the organized institution of political life. It is these two institutions which must be kept separate, according to our constitution and our American tradition. But it is a separation which still leaves room for moral and spiritual interaction and responsiveness.

FOURTH QUARTER

"The official functioning of the state must be kept separate from the official functioning of the church. There must be no entangling of their respective processes by law or by the administration of law."

"It is inaccurate to describe the severance of the processes of organized religion from the official processes of the state by the formula 'a free church in a free state. The true conception of the relation of church and state in America is that of a free church beside a free state in a free society.'"

### **Hawaii Seeks to Enforce Sunday Laws**

DURING THE WAR the governor of Hawaii, under special powers given him, suspended a city ordinance in Honolulu which required the issuance of a permit to show movies on Sunday. When these powers expired on June 30, applications for both movies and legitimate stage shows had to be made and permits secured. Upon issuance of the permits, movies may be shown from 12:30 P.M. until 11 P.M., while stage productions are only permitted from 6:30 P.M. till 11 P.M.

Hawaii is not the only place where Sunday laws are being brought out of moth balls since the war closed.

The Honolulu *Star Bulletin* of July 29 carried a statement from the chief of police to the press and public concerning the renewed enforcement of Sunday laws. After remarking that it was apparently a little difficult for folk to get back to legal Sunday observance after having worked on Sundays "in seven day week war efforts," he further said that the police department had allowed some time for a readjustment, but felt ample notice had been given of the intention to enforce the law and that a more stringent application of the law would be effected and violators would suffer more severe consequences.

The Revised Laws of Hawaii, under the caption "Sabbath Violations," define what Sunday is and state that "all labor on Sunday is forbidden, excepting works of necessity or mercy," etc., but the next paragraph has this: "Provided, however, that this section shall not apply to newspaper printing offices, steamship companies, railroads, telegraph and telephone companies, hotels, inns, restaurants, cigar stores, ice cream parlors, soda water stands, garages, service stations, vendors of fishing poles, lines, hooks, sinkers, lures and bait, vendors of petroleum products, automobile parts and accessories, hackmen, owners and operators of licensed shore boats, operators and owners of licensed automobiles, news depots, graziers and ranchmen, electric light plants, gas works and slaughter houses."

Neither space nor the interest of our readers would require our printing more, but we wonder, after reading the further exemptions, just what a man cannot do in Hawaii on Sunday.

It is pretty hard to tie religion up with civil laws, and as long as human nature is what it is, exemptions are likely to be more than the provisions of Sunday laws in most American communities. We suspect, from what we have observed in other places, that the man most likely to be prosecuted under this law would be someone who happens to observe another day than Sunday as his weekly rest day, or one who does not believe in religion at all.

### **St. Louis Post-Dispatch on Religion in Public Schools**

**I**N OUR ISSUE for the Third Quarter we presented an editorial from the *St. Louis Post-Dispatch* of February 13, 1947. This influential newspaper returned to a discussion of the same general subject in its issue of Sunday, May 25. We believe our readers will be interested in this:

"U. S. Grant is rightly remembered as the military genius who won Lincoln's war to preserve the Union. He deserves to be remembered also as a stalwart champion of the public school and a guardian of that great American institution against encroachment and compromise.

"Addressing the Des Moines reunion of the Army of the Tennessee in 1875, Grant said as President:

"Let us all labor to add all needful guarantees for the security of free thought, free speech, a free press, pure morals, unfettered religious sentiments, and of equal rights and privileges to all men, irrespective of nationality, color or religion.

"Encourage free schools and resolve that not one dollar appropriated for their support shall be appropriated to the support of any sectarian schools. Resolve that either the state or the nation, or both combined, shall support institutions of learning sufficient to afford every child growing up in the land the opportunity of a good common school education, unmixed with sectarian, pagan or atheistical dogmas.

"Leave the matter of religion to the family circle, the church and the private school supported entirely by private contributions. Keep the church and state forever separate."

"Americans need to take Grant's sound advice to heart today. They are forgetting the basic principle of separation of church and state which James Madison and his wise associates wrote into the Constitution as Article I of the Bill of Rights.

"Anyone who doubts this needs only review the

evidence compiled by V. T. Thayer in his new book, 'Religion in Public Education.' Ten states have laws which allow public school pupils to be dismissed from class to receive religious instruction in school or elsewhere. Twelve states require the Bible to be read in public schools. Sixteen states provide transportation for pupils in parochial schools, and so on.

"Some of these laws have been promoted by the Ku Klux Klan. Others have been advocated by Catholic and Lutheran groups. Still others have had the support of Protestant denominations. They all add up to a slow, steady, almost unseen crumbling away of the wall which has kept church and state apart in the United States.

"But it is not only locally and in the states that this breach is being made. There are now pending in Congress bills which would greatly widen it on a national scale. These are the many bills for federal aid for education sponsored by Senators Taft, Aiken, Hill, Ellender, Cooper, Chavez, Tobey and Thomas of Utah and Representatives Welch of California and Whitten of Mississippi and others.

"Though provisions in these bills vary, all would either authorize funds for 'non-public' schools or 'non-profit educational institutions' or leave it to the states to distribute large sums to parochial and other private schools. Senator Aiken, chairman of the Senate Subcommittee on Education, says frankly that he favors 'a substantial measure of Federal aid for private schools, for such purposes as transportation of pupils, health programs and purchase of non-religious instructional supplies and equipment.' This, says the Vermont Senator, would enable such schools, 'with their own funds, to strengthen their teaching staffs and their general educational position.'

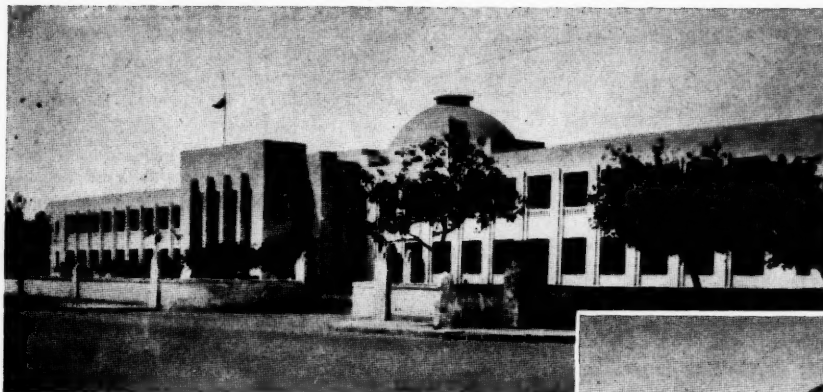
"Credit Senator Aiken with good intent, his thinking is nonetheless fallacious. An appropriation for private or religious schools is a subsidy for them. It makes no difference how many sets of books the schools keep. What matters is that tax funds are used to make it easier to teach doctrines which many citizens either do not believe or frankly reject or even oppose.

"Shall tax funds be used to support schools for the Jehovah's Witnesses who have religious scruples against saluting the flag? Shall tax funds be used to maintain schools for Christian Scientists who object to student health programs? Shall tax funds set up schools for the children of radical thinkers who desire to revolutionize the present organization of our society?

"These questions answer themselves. The federal aid bills have much to commend them as meeting a vital need, but before they are even to be considered they should be freed of all provisions which would authorize federal funds for non-public schools.

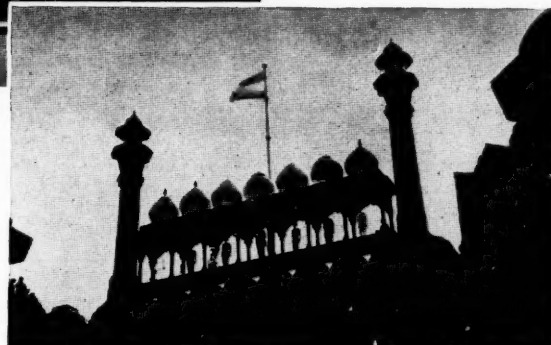
"Justice Rutledge in his monumental dissent last





Left: The Government Building of the New Dominion of Pakistan at Karachi

Below: The National Flag of the Dominion of India Flying Over the Red Fort in Delhi



ILLUS. LONDON NEWS

February in the 5-to-4 New Jersey school transportation case said that one breach would be followed by a second and the second by a third and the third by a fourth until 'with time the most solid freedom' gives way before continuing corrosive decision.'

"What a tragic paradox it would be for Americans to be so busy defending democracy over the world that they failed to see one of its stanchest bulwarks weaken and give way at home!"

## New India and Religious Liberty

AS BRITAIN leaves India and as the national leaders prepare to take over the rule of the country, many in America have wondered what the attitude of the new governments would be toward religious freedom. The vast majority of the inhabitants of Hindustan are Hindus. Mohammedans number roughly a third in population. The Christians there constitute small minorities.

It is gratifying to know that the Constituent Assembly has carefully considered basic human rights and apparently favors religious liberty. It is reported that this is found in the proposed constitution: "All persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion, subject to public order, morality or health," etc.

A personal friend of the editor, in a letter received recently, tells of interviews with Pandit Nehru, Mr. Jinnah, Gandhi, Dr. Rajendra Prasad, president of the Constituent Assembly, and Vallabhbhai Patel, all of whom assured him that it was not only their deepest desire but their belief that India would know no religious persecution; that every man would be allowed to worship according to the dictates of his own conscience, so long, of course, as his belief and practices did not cause him to interfere with the equal rights of others.

Americans generally will join with these political

leaders in this pious hope, though the report that the Madras Government has passed a regulation prohibiting "Use of the buildings of any school or college for proselytizing purposes, and bans attendance by teachers or pupils at any meetings for the purpose of making religious converts."

Of course mission schools have been operated as a means of gaining adherents for Christianity. If the Madras prohibition is allowed to stand, all Christian missions will be seriously handicapped.

## SPARKS

A MAN is free only when he holds his evil propensities in subjection.

No man deserves liberty who is not willing to achieve it and defend it.

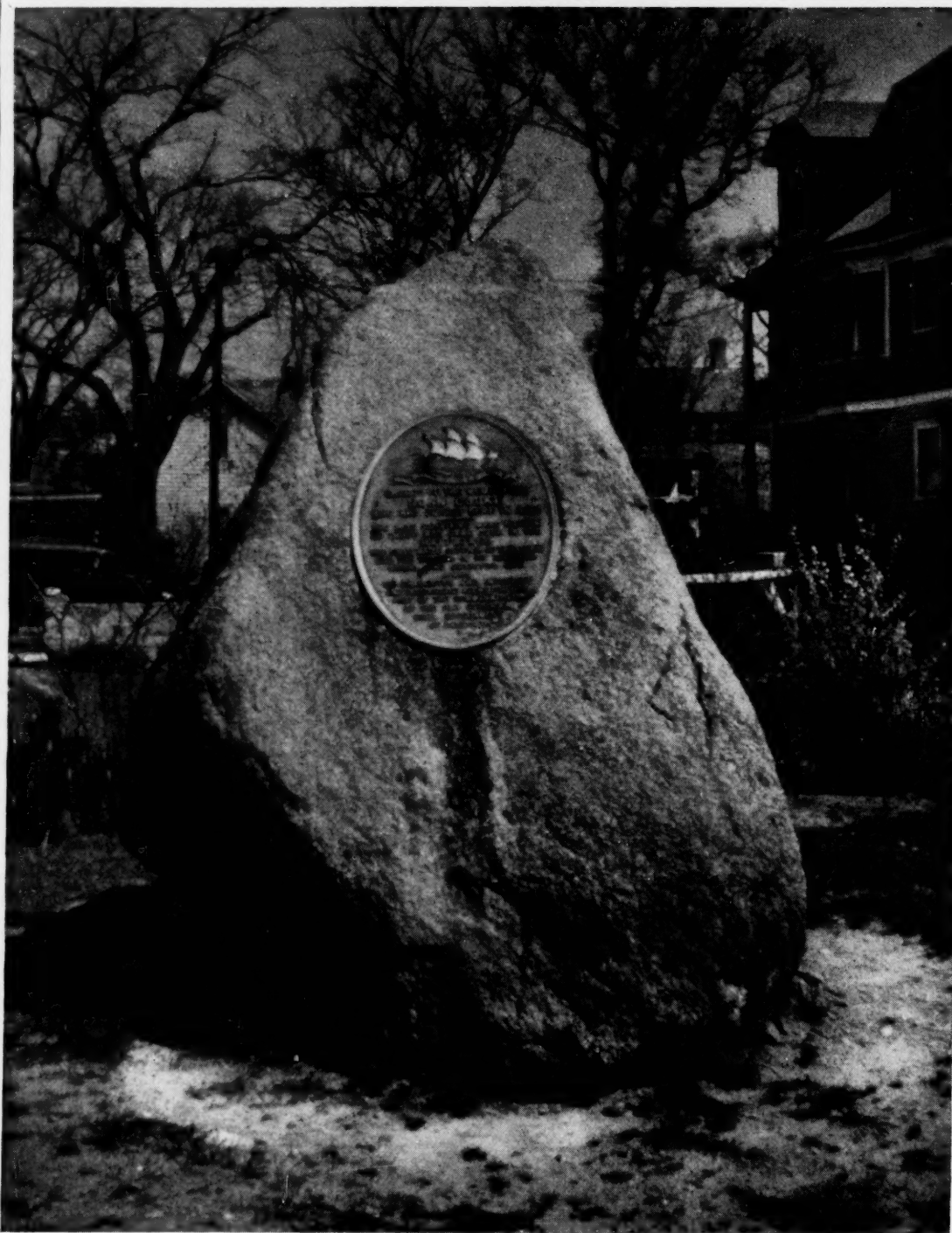
POLITICAL morality is only possible where the press is free to criticize the conduct of public officials.

GOVERNMENT stability can only be maintained by the confidence the people have in its integrity.

TRUTH is always triumphant in a free and open encounter with error.

THERE is no true freedom where the right to propagate error is forcibly suppressed.

THE right of dissent is the only basis for peace and unity among opposing factions.



T. K. MARTIN

**Burial Place in Fairhaven, Massachusetts, of the Last Surviving Male Pilgrim**

The Inscription on the Stone Reads: Sacred to the Memory of • John Cooke • Who Was Buried Here in 1695 • the Last Surviving Male Pilgrim • of Those Who Came Over in the • Mayflower • the First White Settler of This Town • and the Pioneer in Its Religious • Moral and Business Life • a Man • of Character and Integrity • and the Trusted Agent for This Part of the Commonwealth • of the Old Colonial • Civil Government • of Plymouth

